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A HISTORY

OF

THE COLONY OF VICTORIA

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THE DEVELOPMENT

OF

AUSTRALIAN LITERATURE.

BY

HENRY GYLES TURNER

AND

ALEXANDER SUTHERLAND.

With Portraits and Illustrations.

LONGMANS, GREEN, AND CO.,

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A HISTORY

OF THE

COLONY OF VICTORIA

FROM ITS DISCOVERY TO ITS ABSORPTION
INTO THE

COMMONWEALTH OF AUSTRALIA

IN TWO VOLUMES

VOL. I.

A.D. 1797-1854

BY

HENRY GYLES TURNER

FELLOW OF THE INSTITUTE OF BANKERS, LONDON
FELLOW OF THE ROYAL GEOGRAPHICAL SOCIETY, LONDON, ETC., ETC.

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WITH MAP AND PLAN

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NEW YORK AND BOMBAY
1904

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Dedication.

TO

THE COMPANION OF MY BOYHOOD'S DAYS,

WHO FOR HALF A CENTURY HAS BEEN

MY WIFE,

THESE ANNALS OF A COUNTRY IN WHICH

WE HAVE FOUND MUCH HAPPINESS ARE

AFFECTIONATELY INSCRIBED.

H. G. T.

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PREFACE.

To anticipate criticism, I desire to say that, despite the title, these volumes make no pretension to the science of history. They are simply the annals of a colony in which I have spent half a century of my life, and claim only the merit of accuracy so far as facts are concerned. For the first eighteen years of the period treated of I have been necessarily dependent upon the records and oral statements of others. I had the advantage of a personal acquaintance with Mr. John Pascoe Fawkner, Mr. John Helder Wedge, Sir William A'Beckett, Mr. D. C. McArthur, and at least a dozen others who shaped events in the Thirties and Forties. I have not always found their reminiscences accurate, but I have invariably endeavoured to verify them. Since 1854 all the events recorded have passed practically under my own observation. I am familiar with the aspect of the whole colony, from the Mallee wildernesses of the North to the forests of Cape Otway; from the pastoral plains around the lake districts of the West to the Buffalo Ranges and the table lands of far Omeo. The progress of agricultural settlement has been closely watched by me, and in my official career I have had some part in supervising and stimulating it.

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I have often noticed with regret the small interest which the rising generation of Victoria takes in the work of nation-building going on around them. Indeed, if one may judge of the knowledge of our legislators by the manner in which they frequently ignore the teachings of experience, it would almost seem as if they, too, were unacquainted with, and indifferent to, the past. It should, therefore, be a convenience to have in one work, easy of reference, the material for forming an opinion, which could otherwise only be gained by consulting voluminous Parliamentary records, official reports, and endless piles of journals. So far as possible I have verified the political utterances by reference to Hansard, and all quotations from State documents have been carefully compared. But I have not encumbered the pages with detail references, the source of information being clearly indicated in the text.

With most of the leading politicians of the last thirty years I have had some intimacy, but in no case have I ever intimated my intention of committing my views of their proceedings to paper, nor have I submitted a single page of my manuscript to any one for an opinion. Hence I am alone responsible for the deductions which I have sometimes drawn from the facts recorded. Many of those deductions will, I am sure, be unpopular; some, no doubt, will be hotly contested.

It is a drawback to contemporary history that personal considerations, or even expediency, sometimes counsel silence, when, if dealing with a departed generation, praise or blame would be fairly dealt out. I have not allowed this feeling to influence my judgment, which has been invariably

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founded on the public actions, not on the private character of any of the actors in the Victorian political drama. I am quite prepared to accept the consequences of outspokenness, only asking those who differ from me to take for granted the sincerity of my opinions, and my assurance that they have not been hurriedly formed.

HENRY G. TURNER.

MELBOURNE, 1904.

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CHAPTER I.

INTRODUCTORY.

The adventures and discoveries of the navigators who visited the coasts of Australia before the close of the eighteenth century have little direct connection with the history of Victoria. Their picturesque story has been ably told by writers covering a larger area, and for all practical purposes the voyage of the First Fleet, which left England in May, 1787, to found a permanent settlement at the Antipodes, may be regarded as the starting-point of Colonial annals.

As this voyage represents the initiatory effort of Australian colonisation it is worth recording at some length.

The year 1787 was not a brilliant one in English history. The country was smarting under the sense of defeat and humiliation in the but recently finished strife with the North American colonies. George III. was a recognised lunatic, but had not yet been superseded. His son and successor had entered upon a career of profligacy that discredited royalty, and brought him annually before Parliament as a suppliant for the means to pacify his creditors. The substratum of society was in that electrical condition of dissatisfaction with things in general which characterised the period immediately preceding the outburst of the French Revolution; snarling in sullen discontent, living from hand to mouth in a savage contest with hunger and poverty. The penal laws were ferocious in conception and harsh in administration. As a consequence, the prisons were full to overflowing, and there was neither the consideration nor the opportunity for regarding the reformatory aspect of punishment.

To get rid of this sweltering mass of moral corruption was the main consideration of the Government of the day; to get it out of

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sight, and, if possible, to place it where it might work out its own redemption without fear of spreading the contamination with which it must taint its present crowded surroundings.

The rich plantations of Virginia and the Carolinas, that had so profitably absorbed and assimilated many thousands of British felons in the past, were now closed against foreign bondsmen. A shipload that had been experimentally sent to the pestiferous west coast of Africa had perished with a celerity that forbade a continuance of a plan attended with such inexorably fatal results.

The detailed reports of Captain Cook's discoveries in the great southern land, practically uninhabited, healthful, beautiful, and, best of all, isolated, gave a fresh direction to the efforts of the Pitt Ministry. With prompt decision the celebrated orders-in-council were issued on the 6th of December, 1786, and the district vaguely known as Botany Bay was designated a penal settlement, and provided with a court of judicature and a form of government supposed to be favourable to the development of a community so unnaturally constituted.

Tenders for the conveyance of about 800 convicts to the Antipodes were called for by the Admiralty in September, 1786, and the final result of their selection was the chartering of six transport ships, named respectively the *Alexander*, the *Scarborough*, the *Charlotte*, the *Lady Penrhyn*, the *Prince of Wales* and the *Friendship*, together with three store-ships, the *Fishbourne*, the *Borrowdale* and the *Golden Grove*. Of the nine vessels the largest, the *Alexander*, was only 450 tons burthen, and the entire tonnage of the fleet was a trifle over 3,000, or less than half the burthen of most of the ocean liners that may now often be seen in the waters of Port Phillip.

The guidance and protection of this miscellaneous flotilla was committed to His Majesty's frigate *Sirius*, herself only a converted merchantman that had been purchased by a parsimonious Government from the East India Company. She mounted only twenty six-pounder guns, but was a fair sailer of about 520 tons, and on the matter of comfortable accommodation was well suited to a voyage of long duration.

Captain Arthur Phillip, R.N., then in his fortieth year, was

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appointed to the command of the expedition and the government of the proposed settlement. As the grave responsibilities of the latter position would necessarily withdraw him for a time at least from his professional duties, it was deemed advisable to appoint a second captain of the *Sirius*, and the choice fell upon John Hunter. To him we are indebted for the fullest account of the expedition in which he took so prominent a part, published immediately on his return to England; and subsequently, on revisiting Australia, he became the second Governor of the infant colony, in succession to Captain Phillip.

The strength of the squadron was increased before sailing by the addition of the armed tender brig *Supply*, under the command of Lieutenant Ball, R.N., and the two representatives of England's naval power, having completed their equipment at Deptford, dropped down the river to Long Reach on the 10th of December, ready for departure.

But nobody was in a hurry in those days, and the shipmasters continued placidly waiting until the 30th of January, 1787, when, having been joined by some of the transports, they sailed in company for Spithead. Meeting with bad weather and head winds in the Channel, they lay to in the Downs, and in a general way killed time so effectually that it was the end of February before they dropped anchor off Portsmouth, accomplishing in a month a distance now performed by ordinary steamers in a day.

Two of the transports, the *Charlotte* and the *Friendship*, had been ordered on to Plymouth to embark their contingent of convicts from the prison ship *Dunkirk* lying there, but it was not until the 3rd of March that the Secretary of State despatched Mr. John White, the surgeon-superintendent, from London, with orders for the embarkation. He arrived in Plymouth on the 7th, and two days afterwards the marines were put on board, followed next day by the convicts, and on the 12th the two transports sailed for Spithead, where five days later they anchored in company with the rest of the fleet.

Here another period of tedious delay was experienced, and the end of April found the squadron idly floating in the placid waters of the Solent, and their crews vaguely speculating upon the pro-

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bable date of their departure. The period of forced inaction was turned to good account by Mr. White, the humane surgeon in charge of the fleet. He soon found that the cramped quarters, want of exercise, scarcity of clothing and unsuitability of provisions were likely to decimate his charge if allowed to continue over so long a period as the unknown character of the voyage appeared to indicate. He visited all the transports in turn, inspecting the accommodation, and pressed upon the Secretary of State the necessity for some relaxation of the discipline and improvement of the commissariat. He succeeded in obtaining authority to allow all the convicts full rations of fresh provisions when the ships were in port; to ensure all of them being admitted to daily exercise on deck for a certain number of hours, and that their quarters should be periodically lime-washed and disinfected. The deficient clothing was a matter which the Government apparently did not care to incur the expense of remedying; and though many of the poor half-clad wretches were suffering severely from the biting winds of an English March, the prospect of an early advent to warmer latitudes was the only palliation they were able to secure.

Of the 756 convicts for whose transport all these elaborate preparations were slowly approaching completion, only thirty-five were under sentence for life, and only eighteen for fourteen years, the remainder uniformly for seven years. When it is taken into account that a vast range of offences was covered by the 700 culprits to whom such uniformity of punishment was meted out, it appears to indicate a rule of thumb method of administering the law that was inimical to the claims of justice.

It is no exaggeration to say that more than half of these offenders would have escaped in our police courts to-day with sentences ranging from seven days to three months' imprisonment. Many of them suffered for comparatively venial offences against the game laws, the licensing acts and the Customs regulations; a large number for petty peculations and frauds; a few for seditious writings or speeches, and of these it may be said that to-day their utterances would escape the dignity of a prosecution. The number condemned for crimes of violence was comparatively small, for in 1787 the gallows was a flourishing institution, and the journey by

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cart to Tyburn was a simpler and less expensive solution of the difficulty than a voyage to the Antipodes. And yet, varying as was the culpability of these unhappy creatures, Mr. Surgeon White mentions incidentally that all the male convicts were ironed on embarkation, and apparently the majority of them remained so during the entire voyage.

The *Alexander* and the *Scarborough*, the two largest transports, carried each about 200 male convicts. The *Lady Penrhyn* and the *Prince of Wales* were devoted exclusively to women, while the *Charlotte* and the *Friendship* each carried about 100 persons, men and women. To enforce the necessary discipline on board, and to provide for the defence of the proposed colony abroad, a detachment of about 200 royal marines was distributed throughout the flotilla, and were accompanied by twenty-eight women and fourteen children of their own, together with thirteen children belonging to the convicts.

The distribution of the more important official passengers was as follows: David Collins, the judge-advocate and future historian of the settlement, Major Robert Ross, commanding the marines and designate Lieutenant-Governor of the colony, together with the adjutant, the quarter-master and the commissary-general, were provided with accommodation on board H.M. ship *Sirius*. The surgeon-superintendent, John White, who also published his account of the voyage, took passage on the transport *Charlotte*, whence he availed himself of every favourable opportunity for visiting and inspecting the other transports, and appears to have been animated by a benevolent desire to maintain the health of the convicts, and to secure them every reasonable indulgence. The Rev. Richard Johnson, the chaplain of the colony, accompanied by his wife, secured their joint comfort by domiciling himself on board one of the store-ships, the *Golden Grove*. Probably he thought he might as well, for some months at least, escape the unpleasantness of personal contact with a mass of wickedness such as he had not much hope of his own ability to ameliorate.

All arrangements were now completed, and the advent of the commander, Captain Phillip, was anxiously awaited, and on the 7th of May he arrived from London and took command of the fleet.

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The wind had been favourable for a start for a whole week, but with all his professed anxiety to get away before it changed, it was not till Thursday, the 10th of May, that he made signal for sailing. Then an unexpected difficulty arose to check his impetuosity in the discovery of an incipient mutiny amongst the sailors of the transports, who, not having the fear of naval discipline before their eyes, refused to work unless they were paid up to the date of their departure. As most of them had already been employed on board their respective ships for nearly six months, and many declared that they wanted to purchase absolute necessities of outfit for so long a voyage, it did not seem an unreasonable demand. Their dissatisfaction was naturally enhanced by the knowledge that the sailors of the *Sirius* and the *Supply* had received the usual advance of two months' wages, in accordance with the practice of the Royal Navy on extended cruises. But these were the days of high-handed authority in matters marine, and Captain Phillip was equal to the occasion. The *Hyæna*, frigate, had been appointed by the Admiralty to the special duty of accompanying the fleet for a distance of 100 miles clear of the English Channel, and he directed the masters of the respective transports to put their recalcitrant seamen on board that ship, receiving in exchange an equal number of blue-jackets, to be afterwards re-exchanged at sea. Half a dozen in all succeeded in deserting, but the ringleaders having been safely transferred to the man-of-war, the embryo mutiny collapsed, and on Saturday morning, the 12th of May, the signal was once more hoisted for sailing. Before the entire fleet had weighed anchor the wind which had so long blown from a favouring quarter fell dead, and the night found all brought up again off Spithead, barely a mile away from the quarters occupied for between two and three months. But the fates could not continue permanently adverse, and at daybreak next morning (Sunday, 13th May, 1787) the whole fleet passed out through the Needles, and shaped a western course down Channel with a favouring breeze and the bright sunshine that makes the white cliffs of old England such a picturesque sight.

The wind falling light it took three days to clear the Channel, and that time was quite long enough to show that the progress of

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the fleet would be greatly hindered by the ponderously slow sailing of the *Charlotte* and *Lady Penrhyn*, which soon proved themselves quite unequal to keep up with the others. But the inevitable had to be accepted, and the more rapid sailers were ordered to keep under easy canvas rather than risk a dispersion of the convoy.

On the 20th of May the first and only outbreak of insubordination amongst the convicts was discovered, and promptly punished. It occurred on board the *Scarborough*, where 205 male convicts were guarded by thirty-one privates and three officers of marines. According to the report of one of the prisoners, who turned King's evidence, a plot had been concocted for overpowering the guard by a sudden rush and taking possession of the ship—though what they could have done with her in the immediate proximity of three men-of-war had probably never entered into their consideration. Two men who were denounced as ringleaders were sent on board the *Sirius*, when, while firmly protesting their entire innocence, they were awarded each two dozen lashes, and relegated in extra irons to the *Prince of Wales*. The *Hyæna*, frigate, left the same day on her return to port, five of her crew having volunteered to accompany the expedition in place of an equal number who had deserted from the *Fishbourne*, store-ship, on the eve of sailing. The armed tender brig *Supply* was ordered to keep six miles ahead of the squadron, and to signal when land was seen. In this order they proceeded with light and variable winds until on the evening of the 3rd of June the whole fleet dropped anchor in the roads of Santa Cruz, off the island of Teneriffe.

The object of so early a break in the voyage was to replenish the stock of fresh water and give the crowded passengers and crews the benefit of a liberal supply of vegetables and fruit.

A hundred years ago the outbreak of scurvy at sea was a standing menace on all extended voyages. Pork and beef, salted to a condition of petrifaction, with hard biscuit frequently honeycombed with weevil, was the staple of the commissariat, while the practice of condensing drinkable water being then unknown, the quantity to be stored for the requirements of 1,200 persons was very considerable. During the week which the fleet remained at Teneriffe all hands were dieted on fresh meat and soft bread,

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and a generous distribution of mulberries and green figs served as a valuable and palatable anti-scorbutic.

Captain Phillip and his officers appear to have had a very pleasant time on the island, being most hospitably entertained by the Governor, and though, of course, no special relaxation was permitted to the prisoners, the picturesque panorama spread out before them, and the balmy atmosphere around, must have appeared like an approach to Paradise after their experience of English prison life and its concomitants. The day before they left, the first attempt at escape was made by one of the convicts, John Powers. Seized with an irresistible impulse at the sight of an unoccupied boat alongside the ship, he dropped quietly into it, under cover of the darkness, and rowed off to a Dutch East Indiaman that had just arrived, begging to be taken on board. The Hollanders, however, probably suspecting his character, refused to receive him, and he desperately pulled ashore, casting his boat adrift, and concealing himself among the rocks. As the master of each transport was liable to a penalty of £40 for every convict he failed to account for, there was sufficient inducement to go in search of him. The boat, drifting about off his hiding-place, gave a sufficient clue, and early next morning he was run down, and taken on board the *Sirius* for punishment. Fortunately for him, Captain Phillip took a humane view of the case and the temptation to which he had succumbed, and he escaped the anticipated flogging, being returned to the transport, and ordered to be kept in extra irons.

At daybreak on the 10th of June the fleet weighed anchor, and made sail for the Cape Verde Islands. Eight days of gentle breezes and long rolling seas brought them within the tropics and in sight of the islands, where they purposed a further augmentation of their water supply. Early on the morning of the 19th of June they were close to the island of St. Iago, with the signal flying for preparing to anchor; but a sudden change of wind rendering entrance to the harbour difficult, if not dangerous, Captain Phillip abandoned his intention, and made signals to hoist all canvas and bear away to the south. Great was the disappointment at this unexpected deprivation of another pleasant break in the monotony

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of the voyage, and serious were the anticipations that the stock of water would give out in the long voyage through the sweltering equatorial region to Rio Janeiro.

This picturesque port was not reached until the evening of the 4th of August, fifty-five days after leaving Teneriffe, and the intervening ocean was not passed over without some difficulties, and much discomfort from the heat and overcrowding. A month before reaching Rio it had been found necessary to put all hands on an allowance of three pints of water per day for all purposes—a quantity manifestly insufficient with a diet of salt provisions within the tropical region. As instancing the disregard for ordinary sanitary measures which then distinguished the mercantile marine, it is related by Surgeon White that on the 18th of July he was signalled for to visit the *Alexander* on account of a violent outbreak of alarming sickness that affected convicts and crew alike. On proceeding to investigate the cause, he at once pronounced it to be due to the neglect which had allowed the foul bilge water to accumulate. To use his own words: "It had risen so high that the panels of the cabin and the buttons of the officers' uniforms had turned black from the noxious exhalations". When the hatches were removed the stench was overpowering, but in a couple of days, when the ship had been pumped dry, the feverish epidemic entirely disappeared.

The loose behaviour of the female convicts was a source of continual disquietude to the good surgeon, who found it impossible to allow them the least latitude without demoralising the crews and subverting discipline. Their confinement below in the hot weather developed all kinds of hysterical outbreaks and successions of fainting fits, but if the gratings were removed they were soon in mischief, and sailors and marines were continually being had up for punishment on their account. Finally it became absolutely necessary to insist on locking them below, except for the specified hours of exercise on deck under surveillance, but they resented this so strongly as actually to break down a most substantial bulkhead that separated their quarters from the forecastle.

Wind sails were rigged through every hatch, and all that was understood of ventilation in those days was resorted to; but for

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about a month they had a very trying time, and were doubtless glad enough to get into more southern latitudes.

On the day after the arrival of the fleet at Rio, a convict, named Thomas Barrett, passed to a boatman who was selling fruit alongside the ship some spurious quarter dollars, which it was alleged he had manufactured since leaving Teneriffe out of some old uniform buttons and pewter spoons. It seems almost incredible that a convict who was never allowed near a fire and always kept under surveillance, who could not do any hammering or filing without attracting the sentinels' attention, should have been able to complete such a piece of skilled work. Surgeon White, who examined the coins himself, says that the impression, milling and general appearance were so good that had they been made of better metal they would have deceived an expert. The mystery of the process has never been cleared up, but enough was manifest to show that Mr. Barrett was a dangerous man to be at large in any country where coins were the circulating medium. The historians of the voyage do not say what punishment was meted out to Barrett and his accomplices, but about a month later a marine, named James Baker, received 200 lashes for endeavouring to pass off a similar coin knowing it to be bad, having, doubtless, got it from the same convicts.

The fleet remained at Rio for a whole month, and during that time the prisoners were supplied daily with a pound of rice, a pound and a half of fresh beef, with abundance of fresh vegetables. Oranges, too, were freely distributed amongst them, and, as might have been expected, the general health was pronounced very good. They had an additional treat provided for them while in port in the presence of their chaplain, who, in the words of David Collins, "performed divine service" on two of the transports every Sunday.

At daybreak on the 4th of September the flotilla once more got under way, and laid the course for the Cape of Good Hope. The passage across the South Atlantic was marked by variable and squally weather, accompanied by a good deal of rain, and what, after the experience of the last three months, appeared to the ill-clad prisoners to be very cold winds. On the afternoon of the 13th of October the whole fleet was safely anchored in Table Bay,

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the commander recording his grateful congratulations that this part of the voyage had been accomplished in the short space of five weeks and four days.

It was now something over five months since the fleet sailed from Portsmouth, and the most serious part of the journey had yet to be commenced. So far the various ports of call were more or less known to navigators, having trustworthy charts, and possessing most of the necessaries and conveniences of commerce. Beyond the Cape, however, lay a vast expanse of ocean where there was no prospect of the voyagers encountering any other vessels, and where, if it became necessary to refit or to seek fresh water or provisions, they must be entirely dependent on their own discoveries. No wonder the travellers were rather low spirited at the prospect, and the words of the historian, David Collins, seem to indicate the general feeling of, at any rate, the voluntary passengers: "It was natural," he says, "to indulge at this moment a melancholy reflection which obtruded itself on the mind. The land behind us was the abode of a civilised people; that before us was the residence of savages. When, if ever, we might again enjoy the commerce of the world, was doubtful and uncertain. The refreshments and the pleasures of which we had so liberally partaken at the Cape were to be exchanged for coarse fare and hard labour at New South Wales. All communications with families and friends now cut off, we were leaving the world behind us, to enter on a state unknown; and, as if it had been necessary to imprint more strongly on our minds, and to render the sensations still more poignant, at the close of the evening we spoke a ship from London. The metropolis of our native country, its pleasures, its wealth and its consequences, thus accidentally presented to our minds, failed not to afford a most striking contrast with the object now principally in our view."

Fortunately, however, for the future of New South Wales, the desponding frame of mind exhibited by so large a portion of the staff did not prevent the authorities doing what they could to ensure success. From Rio de Janeiro they had brought a liberal supply of the seeds and plants of coffee, cocoa, guava and cotton, which unhappily did not fructify; with the oranges, lemons,

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bananas and prickly pears they were more successful, the two former thriving generously from the very first planting. At the Cape of Good Hope they took on board a large quantity of young fruit trees, including the fig, apple and quince; some grape vines, strawberry plants, sugar-canes, and a few specimens of timber trees, including the oak and the myrtle.

It was from this place, also, that they embarked the live stock, on the progeny of which the commissariat of the colony was expected to be largely dependent. The small beginnings, from which such enormous wealth has been developed, are worth recording. Two bulls and seven cows were shipped on board the *Sirius;* a stallion, three mares and three colts on board the *Lady Penrhyn;* about fifty sheep, twenty goats and seventy-five pigs were distributed amongst the store-ships, besides as large an assortment of poultry as could be accommodated. Two of the cows died on the passage, and several of the sheep, while a considerable number of the survivors were destroyed by wild dogs within a week of their being landed at Port Jackson. It will surprise many colonists to learn that in a return ordered by Governor Phillip of the live stock in the colony three months after landing, five rabbits appear in the schedule. History is silent as to whether these depredators were brought from England or picked up at one of the ports of call, but the proof of their existence *ab initio* dissipates the current legends about their introduction by a lover of sport, and endows them with all the distinctions supposed to pertain to the first settlers.

The phlegmatic character of the Dutch colonists harmonised well with the leisurely habits of the times, and a whole month passed away in the tedious work of purchasing and shipping stores, provisions and water. As the length of the voyage was yet very uncertain, a full supply of the latter necessary was a matter of grave anxiety, and every available reservoir on board all the ships was replenished up to the very hour of sailing. Even then it was considered necessary to revert to the modest allowance of three pints per diem for each adult, all hands being treated alike. At length the whole of the preparations were completed, and at two o'clock in the afternoon of Monday, the 12th of November, the fleet

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stood out to sea, bound for the vaguely outlined coast of New Holland.

After a fortnight of buffeting about, the head winds preventing the fleet making any easting, Captain Phillip formed the resolution of proceeding forward in the *Supply*, brig, which was a smart sailer, taking some of the transports, in order that he might select the most suitable place for landing and set the convicts to work in preparing shelter for the remainder of the contingent. For this purpose he relinquished the command of the *Sirius* to Captain Hunter, and after making all necessary arrangements transferred himself on the 25th of November to the *Supply*. Accompanied by the *Alexander*, *Scarborough* and *Friendship*, he crowded on all sail, and within twenty-four hours was out of sight of the heavy sailers that formed the balance of the convoy. Whatever advantages, however, may have been possessed in point of speed by the detached vessels were neutralised either by taking a less judicious course or meeting with more adverse weather, for notwithstanding the good start the *Supply* only entered Botany Bay two days and her transports one day in advance of the *Sirius* and her convoy.

Left to himself Captain Hunter adjusted the order of sailing of his diminished convoy, and for seven monotonous weeks lumbered heavily along over

> Old ocean's grey and melancholy waste,

reaching his farthest southing, 44 deg. 4 min., on New Year's Day, 1788. The most successful day's run of the whole voyage was made on the 29th of December, when, amidst general congratulations, the log board showed 182 miles covered in the preceding twenty-four hours.

The New Year was ushered in by a violent northerly gale, which, however, expended its fury without any material damage to the ships, and was followed by a week of fine weather. The proximity to the land was indicated by patches of floating sea-weed and the increasing visitation of birds. At length, on Monday, the 7th of January, at five minutes past two in the afternoon, the anxiously expected signal-gun boomed from the *Sirius*, proclaiming the near termination of the wearisome voyage. Vaguely looming up on the

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horizon, obscured by a smoky haze, probably from bush fires, was the barren, craggy promontory of Tasmania, known as the South-west Cape, then supposed to be the southern extremity of the coast in which the haven of rest and reformation known as Botany Bay was situated.

The heavily timbered ranges which frowned upon the sea-board were interspersed with spectral-looking patches of dead and bleached eucalypti that gave a weird air of desolation to the aspect of the long-wished-for land. To-day, though a century of progress has rolled by and poured out all its wealth of development on the adjacent lands, the spot on which the eyes of the weary voyagers first rested remains practically uninhabited. Sombre and repellant indeed must the outlook have been to the poor wretches to whom it represented a permanent exchange for the grassy downs and verdant uplands of Kent and Sussex, and the rare beauties of the Devonshire coast.

But the end was not quite reached. For a day or two after falling in with the land, the wind, shifting round to the north-east, blew in squalls so strong as greatly to impede the rounding of the South Cape. When the fleet finally succeeded in laying their northern course, the progress was very slow, and nearly a fortnight elapsed before they again sighted land, which proved to be a small cape about thirty miles to the south of Port Jackson. At day-break on the following morning the *Sirius* led the way into the anticipated haven, and by nine o'clock in the morning of the 20th of January, 1788, all the transports were safely at anchor within the sheltered harbour to which Captain Cook had given the fanciful name of Botany Bay.

Eight months and one week had elapsed since the fleet weighed anchor in the Solent, and of the twelve hundred or more persons who bade farewell to their native land only thirty-two died on the passage. This must be regarded as a remarkably small percentage, when it is borne in mind that many of these convicts were infirm and sickly, physically debased and mentally depressed by poverty and vicious courses, and were both ill-clad and overcrowded.

The failure of the commander to find a suitable place for settlement on the flat and sandy shores of the bay, and the almost

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immediate transfer of the entire convoy to the more convenient and picturesque shores of Port Jackson, are incidents that belong to the history of New South Wales.

Ten years after the first settlement had thus been effected at Port Jackson, Governor Hunter, who had succeeded Captain Phillip in the administration of the young colony, being desirous of ascertaining the existence of a supposed strait between Van Diemen's Land and the Australian continent, accepted the offer of Mr. George Bass, a young surgeon of H.M. ship *Reliance*, to explore the southern coast line. The enterprising and enthusiastic young doctor, whose name goes down to posterity as the sponsor of Bass Strait, was the first white man who voluntarily set foot in Victorian territory. In February, 1797, a vessel called the *Sydney Cove* was wrecked on the Furneaux Islands in this Strait, and the chief officer, the supercargo and fifteen of the crew in their endeavour to reach Sydney in the ship's launch were driven on shore in the neighbourhood of Cape Howe, where most of them perished. Only the supercargo and two seamen reached Sydney, and it is difficult to be certain from their narrative whether the scene of their disaster was within the present limits of the colony of Victoria.

Bass was provided by the Government with a substantial whaleboat, victualled for six weeks, well fitted, and manned with a crew of six men. With this light equipment he sailed out of Port Jackson on the 3rd of December, 1797, and performed a journey of over twelve hundred miles with a courage and readiness of resource that entitles him to a high place in the ranks of maritime discoverers. Buffeted about by tempestuous weather, detained for weeks together in hitherto undiscovered coves where he had to seek shelter; eking out his scanty commissariat with fish and salted petrels, and losing much valuable time in the search for fresh water, he still succeeded in carefully examining the coast from Twofold Bay (which he was the first to enter) round Wilson's Promontory to Western Port, which he reached on the 4th of January, 1798. He carefully explored this harbour, remaining there a fortnight, and giving his sorely strained craft a thorough overhaul. The difficulty experienced in replenishing his provisions, already nearly exhausted, compelled him most reluctantly to turn back when within a few

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hours' journey of Port Phillip, and without having definitely ascertained the existence of the Strait, which, however, he considered was undoubtedly indicated by the direction of the currents and the force of the waves.

On one of the islands off Wilson's Promontory, now known as the Glennies, he found seven convicts, part of a gang of fourteen who had escaped from Sydney in a small vessel in the previous October, and who had been treacherously deserted on the barren island by their comrades. Unable to spare them any provisions, without risking the lives of his own party, but unwilling to leave them to the slow starvation which awaited them on their island prison, he transferred them to the mainland, providing them with a musket and some ammunition, a compass, and some fish hooks and lines, and directing them the course to pursue towards Sydney. Two of them were found to be so weak and ill as to be unable to walk, and for these he made room in his already crowded boat. The other five started hopefully on the journey, but were never heard of again.

Between Wilson's Promontory and Cape Howe Bass encountered very bad weather on his return voyage, high seas and tempestuous adverse winds not only retarding his progress, but threatening destruction to the whole of the party. More than once he was obliged to beach his boat through a dangerous surf, and remain high and dry for days together waiting the moderation of the weather. On one of these occasions he was an object of much curiosity to a large number of aborigines, whose first encounter with white men was marked by most friendly demonstrations. Finally, however, he triumphed over all his adverse surroundings, and succeeded in regaining Port Jackson on the 24th of February, 1798, after an absence of eighty-three days. The result of this courageous exploit, which Captain Flinders said "has not perhaps its equal in the annals of maritime history," was not very encouraging in the interests of the extended settlement. Governor Hunter, in his despatch to the Duke of Portland, 1st March, 1798, while bearing testimony to the courage and perseverance of Bass, says: "I find he made several excursions into the interior of the country, wherever he had an opportunity. It will be sufficient to

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say that he found in general, a barren, unpromising country, with very few exceptions; and were it even better, the want of harbours would render it less valuable." Such was the first official report on that portion of her late Majesty's dominions, which, named after herself, is justly regarded as one of the most valuable and prosperous divisions of her colonial Empire.

After some months of inaction in Sydney, Bass again had an opportunity of gratifying his passion for exploration, and revisiting the Strait which bears his name. His friend Captain Flinders had been commissioned by Governor Hunter to clear up the doubt respecting the existence of this Strait, and for that purpose had been furnished with the colonial built sloop *Norfolk*, of twenty-five tons, provisioned for twelve weeks, and manned by eight volunteer seamen from the King's ships. Bass had communicated to Flinders all the notes and observations taken on his whale-boat journey, and now gladly accepted the overtures made to him to join the more substantially equipped expedition. The *Norfolk* sailed from Sydney on the 7th of October, visited Twofold Bay, Kent's group, the Furneaux Islands, and entered the Tamar on the 3rd of November, where they remained wind-bound until the 20th. The North-west Cape of Van Diemen's Land, which from its frowning aspect they named Cape Grim, was not passed until the 9th of December, and twelve days later the sloop was at anchor in the Derwent, having satisfactorily demonstrated the accuracy of Bass's original supposition regarding the Strait, in recognition of which his name was formally conferred upon it by Governor Hunter.

Two years passed away after the return of the *Norfolk* before the coasts of Victoria were again visited. In December, 1800, the brig *Lady Nelson*, commanded by Lieut. Grant, R.N., and bound from London to Port Jackson, passed through Bass Strait. Although no landing was effected, her commander sighted and named Capes Northumberland, Bridgewater, Banks, Patten, Otway, Liptrap, and the Glennie Islands, besides giving names to other geographical features, which have not all been retained. He failed to observe the entrance to Port Phillip, and in the chart published with the account of his voyage, the coast line from Cape Otway to Cape Schanck is practically a blank.

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Though the *Lady Nelson* was only of sixty tons burthen, she had been prepared and fitted out by the British Government for the declared purpose of "prosecuting the discovery and survey of the unknown parts of the coast of New Holland, and of ascertaining as far as is practicable the hydrography of that part of the globe," for which important duties her commander was recommended to the good offices of the Governor of New South Wales in a somewhat pompous despatch from the Duke of Portland. The name of this vessel is indissolubly associated with some of the most interesting phases of Australian discovery, but Lieut. Grant did not add materially to the information. He only made one brief voyage, from 8th March to 14th May, 1801, during which he surveyed the coast from Wilson's Promontory to Western Port Bay, the scientific part of the work having apparently been done for him by Ensign Barrallier, whom, in a despatch to the Duke of Portland, Governor King commends highly, while of Lieut. Grant he says: "Although a good seaman and a steady, capable officer, yet he has no knowledge of surveying and delineation". Indeed, Grant's personal desire was to devote himself to a continuous flying exploration all round Australia, leaving the tedious minutiæ of special surveys to be taken up afterwards by those regularly trained for the work. To quote from his own narrative, he says: "All that I aimed at was the making of an eye sketch of the coast, and laying down as accurately as I could with a journal of all occurrences, nature, history, soil, with such remarks and observations as I might be able to make". To this extent the work had already been performed by Bass, who never made any pretensions to scientific surveying, and it evidently fell far short of the intentions of the Government in issuing the *Lady Nelson's* commission. Probably some expression of this disappointment by the Government may have made Grant dissatisfied with his prospects in New South Wales, or possibly he may have learned that Captain Flinders was on his way out, with a better equipment for the work. Whatever the cause, he appears to have entertained a grievance, and returned to England in the following November, figuring no more in Australian annals. During his brief voyage to Western Port, where he remained for more than a month, he distinguished himself by

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making experimentally the first plantation within the limits of the colony of Victoria. The place selected for this initial clearing was on Churchill Island, subsequently the property of Mr. Samuel Amess, a well-known citizen, one time Mayor of Melbourne. The area of cultivation was probably small, as the expedition did not possess so needful an article as a spade, the nearest approach to it being a coal shovel, "which," says Grant, "though it was thin and much worn, served the purpose, the soil being exceedingly light and easy to work". He thus records the work: "The ground was now prepared, and I sowed my several sorts of seeds, together with wheat, Indian corn and peas, some grains of rice and some coffee berries; and I did not forget to plant potatoes. With the trunks of the trees I felled, I raised a block-house of twenty-four feet by twelve, which will probably remain for some years, the supports being well fixed in the ground. Indeed, I was anxious to mark my predilection for this spot on account of its beautiful situation, insomuch that I scarcely know a place that I should rather call mine than this little island. Round the skeleton of a mansion house, I planted the stones and kernels of the several fruits I had brought out, not forgetting that of the curious apple before mentioned. I made this plantation rather late in the season, but I am in hopes that some of the crops will flourish, and I wait the pleasure of a good report hereafter." There is no record of the anticipated report ever having reached him in England, but it is certain that when Lieut. Murray revisited the place some nine months later, he found the wheat and Indian corn in full vigour, six feet high, and with stalks like young sugar-canes. The onions had flourished, probably not being suited to marsupial taste, but the potatoes had entirely disappeared. How little did these simple pioneers imagine that this initial effort with the historical coal shovel was to develop within the span of a human life into a wealth of agricultural industry that could freight ships with its precious productions to every part of the world.

On Grant deciding to return to England, Lieut. Murray, who had accompanied him as chief officer on the recent voyage, was appointed to the command of the *Lady Nelson*, and under his charge she acquired the distinction of being the first vessel that

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ever sailed through the Heads into Port Phillip. Governor King was urgent in his recommendations to the British Government that a settlement should be made at Western Port, and pending the receipt of formal authority to take that step, he sent Lieut. Murray again to the coast to continue and complete its examination. The *Lady Nelson* left Port Jackson on the 12th of November, 1801, and on the 6th of the following month was once more at anchor in the shelter of Western Port Bay, where a whole month was passed in a thorough investigation of the surroundings, and the gathering of the necessary supplies of fuel and water. The weather was exceptionally boisterous and unfavourable for exploration, and repeated attempts were unsuccessful. At length, on the 5th of January, 1802, Murray succeeded in once more gaining an offing, and running close along the shore past Cape Schanck, discovered an opening in the land that had the appearance of a harbour. When within a mile and a half of this entrance he became alarmed at the prevalence of broken water, which appeared to indicate a line of reef quite across the opening, though from the mast-head he saw beyond "a fine sheet of smooth water of great extent".

The lead indicated a rapid shoaling, night was coming on, and the wind, which was rising, was dead on the shore, so he wisely hauled off, "but with a determination to overhaul it by-and-by, as no doubt it has a channel into it, and is apparently a fine harbour of large extent". In the morning the wind had got into an easterly quarter, with a very high sea running, and found the *Lady Nelson* running towards Cape Otway. The tempestuous weather that had hitherto baffled his investigations still pursued him, and he was buffeted about in the vicinity of King's Island for some weeks with a very indistinct notion of his whereabouts, finally reaching Western Port on the evening of the 31st of January. Eager to verify his opinion of the important harbour he failed to enter, he despatched his launch at daybreak next morning, in charge of Mr. Bowen, his chief officer, with five armed men and fourteen days' provisions. Their instructions were to examine the supposed entrance, and to report upon its practicability for vessels. To this officer, whose name, strange to say, is almost unknown in our annals, and which

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should at least have been associated with one of the prominent features of our maritime highway, belongs the honour of being the first white man to pass through Port Phillip Heads, the avant-courier of those vast crowds that in after years poured through the gateway to the Golden Land, sometimes to the extent of thousands in a single day.

Late in the evening of the 4th of February Bowen returned triumphant from his mission, and reported his discovery of a good channel, a mile and a half wide, with from six to ten fathoms of water, opening into a magnificent harbour, "larger even than Western Port, with many fine coves and the appearance and probability of rivers". Ten days elapsed after Bowen's return in making preliminary arrangements, taking in wood and water, patching up leaky boats and repairing the sorely strained and damaged gear of the *Lady Nelson*, and then on the 15th, at five A.M., she ran out from shelter of Phillip Island, and within twelve hours, having successfully encountered the *Rip*, was safely at anchor off the site of the present quarantine ground, "Swan Island, bearing N.E. by N. five miles".

Murray was delighted with the appearance of the harbour, and describes it as "in some places falling nothing short in beauty and appearance from Greenwich Park," which seems a rather ludicrous and cockneyfied comparison. He named it Port King, in honour of the Governor of New South Wales, and the hill which rises on the eastern shore behind Dromana he called Arthur's Seat, from a fancied resemblance to the eminence of that name near Edinburgh. Governor King, however, subsequently declined to immortalise himself in connection with the discovery, and ordered the capacious bay to be named after Captain Phillip, the commander of the First Fleet.

The dilapidated condition of Lieut. Murray's outfit, partly due to the severe weather he had encountered in the Strait, his leaky boat and fast waning provisions prevented his pushing his discovery to the full benefits that lay so near him. With some difficulty he succeeded in finding a splendid supply of fresh water, between Capel Sound and the foot of Arthur's Seat, but he seems to have been unable satisfactorily to extricate his vessel from the shallows

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surrounding the South Channel, for although he remained in the bay until the 12th of March, he failed to get the *Lady Nelson* into the broad expanse that marks the centre of this fine inland sea.

He got into trouble with the natives, and one of his boat parties only escaped being cut off by resorting to the free use of their fire-arms, with a result that was probably fatal to two or three of the aborigines. He made some exploratory excursions in the launch, visiting Swan Bay, amongst other places, but it is difficult to realise the exact extent of his discoveries, for his journal is absolutely devoid of any descriptive power, and he refers to names of head-lands and bays that have not been perpetuated in our modern geography. The entry in his journal for the 9th of March gives his own version of the reasons for not prosecuting his discovery: "We have now expended nineteen weeks and one day's provisions out of the twenty-four weeks we were victualled for, commencing on 27th October, 1801, and owing to the quantity of bread decayed, along with what the swans and other birds have ate, we are rather short, even what we have left is very bad; therefore it will not be in my power at this time to prosecute the object of our cruize much further; it is in vain that I regret so little having been done in such a length of time; the weather and other circumstances have been rather against the whole cruize; however, the little that is performed of the original orders is pretty accurate, and I trust will give the Commander in Chief some satisfaction." This easy-going concession to difficulties shows Murray to have been a man of very different stamina to the determined and resourceful young Surgeon Bass.

The one important official event of his visit was performed at eight o'clock in the morning of the 9th of March when, in the words of his journal, "the United Colours of the Kingdom of Great Britain and Ireland were hoisted on board and on Port Patterson, and at one o'clock under a discharge of three vollies of small arms and artillery the Port was taken possession of in the name of His Sacred Majesty George the Third of Great Britain and Ireland, King," etc., etc., etc.

Three days later he ran out through the Heads, and after encountering again in Bass Strait most tempestuous weather,

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arrived in Port Jackson on the 24th of March, and submitted the result of his expedition to the Governor.

Murray's full journal of these discoveries was transmitted by Governor King to the Duke of Portland within two months of its receipt, and having been entombed in the Record Office was only discovered about seventy years after by Mr. F. P. Labilliere, who published it almost *verbatim* in his valuable *Early History of Victoria.*

Only six weeks after the departure from Port Phillip of this first visitor, its silent waters were again disturbed by a British ship, the *Investigator*, of 334 tons, under the command of Captain Matthew Flinders, outward bound from England on a mission to survey the southern coast of New Holland. It is gratifying to note the progressive improvement in the means of discovery furnished by the Government, as it gradually realised the importance of the work. From the open whale-boat of Bass to the colonial sloop *Norfolk* was a decided step in the direction of efficiency, while the exchange of the latter for the *Lady Nelson* added materially to the comfort and convenience of the adventurers. The latest comer was a comparative leviathan for those days, liberally equipped and well provisioned, and carrying eighty-eight persons in all, including a complete scientific staff. Amongst the midshipmen on board was one whose name has long been embalmed in the annals of British exploration, the distinguished but unfortunate Sir John Franklin of Arctic fame.

The *Investigator* had done good work in coast exploration from King George's Sound to Cape Otway, and on the 26th of April, 1802, in the belief that he was entering Western Port, her commander sailed through the Heads and anchored in the neighbourhood of the present village of Sorrento. The narrowness of the entrance and the extent of the interior were so at variance with the description of Western Port, as given by his old comrade Bass, that Flinders soon came to the conclusion that he had made an independent discovery. All doubt on this point was resolved when next morning he landed and ascended Arthur's Seat. He says: "I ascended the hill, and, to my surprise, found the port so extensive that even at this elevation its boundary to

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the northward could not be distinguished. The western shore extended from the entrance ten or eleven miles in a northern direction, to the extremity of what, from its appearance, I called Indented Head; beyond it was a wide branch of the port leading to the westward, and I suspected might have a communication with the sea; for it was almost incredible that such a vast piece of water should not have a larger outlet than that through which we had come."

Delighted with the prospect, he resolved upon coasting round the port in his ship, but the winds were persistently light and adverse, and in view of the shortness of his provisions he abandoned the project as likely to occupy too much time. He started, however, in a boat with a small party, and three days' provisions, to see what he could in that time. In his first day's journey he coasted northward as far as Schnapper Point, whence he crossed over to the Indented Head, camping there at nightfall. The next day was devoted to an examination of Corio Bay and its adjacent shores; and on the third day he crossed over to the Werribee Plains and ascended Station Peak, which he named, and where he left, as a memento of his visit, a scroll containing the ship's name and date under a small pile of stones. From this point of vantage he was enabled to form a very good idea of the general character of the country. The party got back to Indented Heads the same night, very much exhausted by the stiff climbing, and a walk of over twenty miles without water.

On the following morning they returned to the ship, which was lying in Capel Sound ready for sea. "I find it very difficult," says Flinders, "to speak in general terms of Port Phillip. On the one hand, it is capable of receiving and sheltering a larger fleet of ships than ever yet went to sea, whilst on the other, the entrance, in its whole width, is scarcely two miles, and nearly half of it is occupied by the rocks lying off Point Nepean, and by shoals on the opposite side. The depth in the remaining part varies from six to twelve fathoms, and this irregularity causes the strong tides, especially when running against the wind, to make breakers in which small vessels should be careful of engaging themselves; and when a ship has passed the entrance, the middle shoals are a

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great obstacle to a free passage up the port." On the 3rd of May at daylight the anchor was weighed and Flinders continued his voyage, anchoring safely in Port Jackson six days later.

Governor King was greatly interested in the descriptions given by Murray and Flinders of the newly discovered territory. He believed it to be much better adapted for agricultural purposes than the poor soil about Port Jackson, and in his despatches to the Home Government he urged the desirability of attempting a settlement there, laying particular stress upon the possibility of that project being forestalled by the French, whose exploring vessels were still off the coast. To confirm his opinion as to the suitability of the country for settlement, he despatched the sloop *Cumberland*, under the command of Lieut. C. Robbins, in November, with Mr. Surveyor-General Grimes and a suitable staff of assistants, their official instructions being that they were to walk round and thoroughly survey the shores of Port Phillip. The detailed report of this interesting journey, with its accompanying manuscript chart, was pigeon-holed in some Government department in Sydney, and forgotten for three-quarters of a century. It was discovered in 1877 by Mr. J. J. Shillinglaw while searching the records for materials for a life of Flinders, and its publication put an end to the rival claims of Batman and Fawkner to be regarded as the original discoverers of the Yarra.

Owing to detentions in Bass Strait for the examination of King's Island and other places, the *Cumberland* did not enter the Heads until the 20th of January, 1803. The survey commenced on the following morning, and was continued without intermission until the 26th of February, during which period the entire coast line of the bay was traversed on foot, the vessel following within easy reach of communication. Having taken their bearings from the top of Arthur's Seat, the party proceeded up the east coast and reached the mouth of the Yarra on the thirteenth day. They ascended the Salt Water River as far as Solomon Ford, Braybrook, and having examined the surrounding country and taken specimens of the soil, they returned to the junction, and next day ascended the Yarra, landing within the site of the present City of Melbourne. They devoted five days to an examination of the

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neighbourhood, and proceeded up the Yarra as far as its junction with the Merri Creek, now known as Dight's Falls, over which obstacle they were unable to lift their boat. Returning to the mouth of the Yarra, they skirted the western shores of the bay from the site of the present Williamstown, crossing the Werribee and Little Rivers, until they reached Cowie's Creek, near the head of Corio Bay. After a short run on board their vessel, they resumed the land survey along the south shore of Corio Bay, rounded the Indented Head, skirted Swan Bay, and reached the point now graced by the picturesque village of Queenscliffe. The *Cumberland* then ran over to the shelter of Capel Sound to take in water and prepare for the return voyage, sailing for Sydney on the evening of the 26th of February.

The result of the exploration was not altogether satisfactory. It would appear to have been a summer of intense heat, and in addition to the parched appearance of the country from natural causes, there had been recent and very extensive bush fires. The surveyors were moreover frequently put to great inconvenience by the difficulty of finding good drinking water. Their examination, except in the immediate neighbourhood of the present metropolis, did not extend to any distance inland, and consequently embraced a disproportionate area of sandy beach and scrubby ridges, which was undoubtedly somewhat misleading, and coloured their report unfavourably. They were unanimous, however, in the conclusion that the best place for a settlement was on the Yarra, where, from the summit of the since levelled Batman's Hill, they had seen the possibilities of an Arcadian village, without dreaming that the whole area within their view was destined to be covered with only a part of the busy streets of the greatest city south of the line.

During the course of this survey Mr. Grimes and his assistants frequently encountered considerable parties of aborigines, and it is gratifying to learn from the journal that in no case did they come into hostile collision. A few trifling presents and a little firmness seemed always sufficient to ensure the maintenance of amicable relations, though the leader on more than one occasion seems to have shown some trepidation at their presence.

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CHAPTER II.

THE SETTLEMENT OF 1803.

The urgent representations of Governor King that the British Government should undertake the immediate colonisation of Port Phillip, lest the French should anticipate them, had taken due effect, and even while Mr. Grimes was engaged on the survey of the port, an expedition was being organised in England to take possession of the new territory for purposes of penal settlement.

It is fortunate for Victoria that this expedition, which sailed on the 27th of April, 1803, had started before the report of Mr. Surveyor Grimes reached England, or possibly the recommendation that the settlement should be made on the Yarra might have been given effect to. In such case it is most improbable that it would ever have been abandoned, and the actual history of Victoria, dating a generation farther back, would have been developed out of those unwholesome surroundings of felonry that make the early annals of New South Wales and Tasmania such painful reading, and that, disguise it as we may, have undoubtedly affected prejudicially their development.

Probably the eventual settlement of Port Phillip suffered to some extent from its proximity to a recruiting ground so deeply tainted with convictism. In the stirring days that followed on the discovery of gold, an unwelcome contingent of expirees and ticket-of-leave men from the adjacent colonies was added unnoticed to the flood of energetic and adventurous manhood that poured upon these shores. But, thanks to the faint-heartedness of Colonel Collins, the historian of Victoria is saved from having to dwell on any of those ghastly episodes in which the gallows and the triangles play so prominent a part, or to lament the demoralising influence

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on the community of an unchecked, and often ferocious, exercise of irresponsible power.

The new expedition was under the control of Colonel David Collins, the historian of the first voyage, who was appointed Lieut.-Governor of the proposed settlement, at a salary of £480 per annum. It was conveyed to its destination in two ships, the *Calcutta* belonging to the Royal Navy and mounting fifty guns, under the command of Captain Daniel Woodriff, and a chartered transport ship named the *Ocean*. The latter vessel was freighted with the bulk of the stores, provisions and implements of agriculture, and carried as passengers all the civil, and some of the military officers of the staff, and the few free settlers who were permitted to accompany the expedition. Though described by Collins as "a dull sailer," she anchored in Port Phillip on the 7th of October, two days in advance of the man-of-war. The material out of which it was contemplated to build up a self-supporting community consisted, according to Collins' report to Governor King (dated 5th November, 1803), of 299 male convicts, sixteen married women, a few settlers, three subalterns, three sergeants, three corporals, two drummers and thirty-nine privates of the royal marines, with a complete civil staff, the latter comprising fifteen persons all told. In Tuckey's narrative the official list of the number embarked at Portsmouth was "307 male convicts with seventeen of their wives, and seven children," besides five women and one child belonging to the staff. Hence it would appear that eight of the convicts and one of the wives must have died on the voyage.

A very full account of the proceedings connected with this attempted settlement has been preserved. The first lieutenant of the *Calcutta*, J. H. Tuckey, who appears to have been possessed of a reflective mind, and a certain literary aptitude of the stilted or Johnsonian order, published an account of the voyage in London in 1805. Considerably more than half of his book, however, is taken up with the incidents of the outward voyage, which involved lengthy detentions at Rio de Janeiro and the Cape, and it is only the last chapter that is devoted to Port Phillip. The young lieutenant is liberal in his praises of the picturesqueness of the haven he was destined so soon to see abandoned. Of the arrival he says :

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"From the total want of information respecting the appearance of the land on the coast, we were doubtful as to our situation, and approached the land with cautious diffidence; at length the break in the land which forms the entrance of Port Phillip was observed, but a surf apparently breaking across it created at first some mistrust of its identity, until the man at the mast-head observing a ship at anchor within, which was soon recognised for the *Ocean*, removed all doubt, and without further hesitation we pushed for the entrance. A fair wind and tide soon carried us through, and in a few minutes we were presented with a picture highly contrasted with the scene we had lately contemplated; an expanse of water bounded in many places only by the horizon, and as unruffled as the bosom of unpolluted innocence, presented itself to the charmed eye, which roamed over it in silent admiration. The nearer shores, along which the ship glided at the distance of a mile, afforded the most exquisite scenery, and recalled the idea of 'Nature in the world's first spring'. In short, every circumstance combined to impress our minds with the highest satisfaction for our safe arrival, and in creating those emotions which diffused themselves in thanksgiving to that Almighty Guide who had conducted us through the pathless ocean to the spot of our destination."

A habit of philosophical reflection, somewhat unusual in a sailor, fills many pages of his book, with passages like the following, which indeed is not without some claim to a prophetic insight:—

"And now again when I considered the motives; when I contrasted the powers, the ingenuity and the resources of civilised man, with the weakness, the ignorance and the wants of the savage he came to dispossess, I acknowledged the immensity of human intelligence, and felt thankful for the small portion dispensed to myself. These thoughts naturally led to the contemplation of future possibilities. I beheld a second Rome rising from a coalition of banditti. I beheld it giving laws to the world, and superlative in arms and in arts, looking down with proud superiority upon the barbarous nations of the Northern Hemisphere; thus running over the airy visions of empire, wealth and glory, I wandered amidst the delusions of imagination."

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The journal of the Rev. Robert Knopwood, the chaplain of the settlement, portions of which were first printed in 1852, as an appendix to Morgan's *Life of William Buckley*, but which was subsequently published in full by the Victorian Government, under the editorship of Mr. J. J. Shillinglaw, does not contain much information of value. It presents, however, in very slipshod English, and with much bad spelling, a minute and almost daily record of the dreary round of resultless labour and official routine. The writer would appear to have been an easy-going, not to say lazy *bon vivant*, and through all his pages there runs the standing complaint of trying heat, insufficient water, and the unpleasant frequency of alarming thunder-storms; with indications of the solace obtainable from occasional presentations of bottles of port, and invitations to convivial feastings.

The chief source of information is naturally to be found in the official despatches, and the general and garrison orders of the Lieutenant-Governor. The former were addressed to Lord Hobart, and to Philip Gidley King, Governor of New South Wales, and for the dissemination of the latter, the first printing press set up in Victoria was erected under the shade of a gum-tree. These issues are redolent of a spirit of admonition against "grog".

Apparently all the disciplinary troubles of the settlement were largely due to the facility with which both the convicts and their guardians were enabled to get supplied with this aid to forgetfulness. It might be supposed that half a pint of spirits daily, which was the official quantum for the soldiers, was rather a liberal provision in such a warm climate. At any rate, it became necessary to warn the marines thus: "The Commanding Officer is surprised to observe the unsteady appearance of the men at the evening parade. This can only proceed from their determination to evade the regulations which he adopted in the hope of preventing this unsoldierlike appearance that he complains of in them, and which, if persisted in, will compel him not to increase the quantity of water, but to reduce the quantity of spirits which is at present allowed them." Again, a month later, a garrison order says: "The Commanding Officer is concerned to observe the shameful conduct of several of the soldiers of the detachment. Drunkenness is a

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crime that he will never pass over, and to prevent as far as in him lies their disgracing themselves, and the royal and honourable corps to which they belong, by incurring the censure of Court Martial, he directs that in future their allowance of watered spirits shall not be taken to their tents, but drunk at the place where it is mixed, in the presence of the officer of the day." Grim as were the surroundings, and serious no doubt as were the irregularities which called for such an order, the spectacle of forty or fifty men marching up to the commissariat tent in Indian file, and tossing off in turn their half-pint of fiery rum under the eye of their officer, is not without its ludicrous side. If they went astray afterwards the blame certainly could not be laid on the "social glass".

Several of the orders were called forth by the attempts made by the convicts to abscond in the vain hope of reaching Port Jackson, or, as some of them believed, even getting to China. In his proclamation the Commander dilates upon the almost certain destruction that awaits them, either by starvation, or at the hands of the natives; and that even should they surmount these difficulties, they would be promptly seized by the authorities, if they reached Port Jackson, and returned to him for punishment. While dwelling upon the sufferings of some of the returned runaways, who had preferred coming back and taking the flogging awaiting them to facing the apparently sure starvation of the bush, he expresses his surprise at what he calls this "strange desertion of the people". He could have understood it had they been ill-treated, badly fed or clothed, or overworked, but the contrary was so notoriously the case that he was "quite at a loss to discover the motive".

Altogether some fifteen or so ran away at various times; one was shot by a sentinel in the attempt, and the bulk of them gravitated back to the flesh pots, contrite, emaciated and broken-spirited. Three at least were never heard of again, and one man of gigantic frame and tough constitution, William Buckley, who had been the Lieutenant-Governor's servant, managed to drag out a savage existence amongst the aborigines for over thirty years, and to be eventually restored to the society of his countrymen after he had forgotten his own language and the usages of civilised life. Had

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he been a man of any education, or even of quick natural observation, he certainly had unique opportunities of acquiring much valuable information on the habits, customs and traditions of a race of people now practically extinct. But Buckley had never been able to read or write, and the life of the *Wild White Man*, which was published in Hobart in 1852 by John Morgan, though purporting to be dictated by him, owes so much to the free exercise of the writer's imagination that it probably bears the same relation to fact as does the charming narrative of Defoe to the real life of Alexander Selkirk.

All the records seem to point to the conclusion that Collins was unwilling to find Port Phillip a suitable place for settlement, and that his predilection was from the outset in favour of the more temperate climate of Van Diemen's Land. His commission from the Crown left him almost unfettered in his ultimate choice of a locality, subject only to the concurrence of the Governor of New South Wales; but he knew that Governor King had recommended this port, and the Home authorities had made it imperative that he should try it before proceeding elsewhere. Certain it is that from the first day of his arrival he began to condemn it, and in his despatch to Governor King, written on 5th November, he sets out several of the grounds of his objections. The first unfavourable impression which he received of it, from Capt. Mertho's report, had been strengthened by a more minute survey. The various localities he inspected were generally "entirely destitute of that great essential, fresh water"; the soil was poor and sandy; the coast impracticable by reason of shoals; the timber thin and miserably stunted; the bay itself, when viewed in a commercial light, wholly unfit for such purpose, being situated in a deep and dangerous bight, requiring not only a well-manned and well-found ship, but a leading wind and a favourable condition of the tide to ensure an entrance at all. Every day's experience convinced him that it could not, nor ever would be "resorted to by speculative men". He cannot but suppose, he says, "that all the disadvantages of Port Phillip are as well known to your Excellency as they are to myself at this moment. If they are, you will have anticipated this report, but it may not have entered into your contemplation that

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there are at this moment between three and four hundred people sitting down cheerfully with no other or more certain supply of water than what is filtered daily through the perforated sides of six or eight casks which are sunk in the sand."

Nevertheless, he felt bound to await the approval of his senior officer before taking the important step of withdrawal, and it was necessary to make at least a show of occupation. His orders were imperative to discharge the store-ship on arrival under penalty of heavy claims for demurrage. So on the fourth day he went on shore at a spot which he named Sullivan's Bay, and finding that fresh water could be obtained by sinking casks in the sand, and that adjoining the beach there was a level plot of some five acres suitable for an encampment, he decided to effect a landing of the convicts and the stores forthwith. He had, it is true, devoted the three preceding days to a cursory examination of both sides of the bay in the neighbourhood of the Heads, but had found some objections to each spot visited. Had he been prompted by a desire to make the settlement a permanent one, it is certain he would not have landed his people where he did, but having made up his mind to an early departure, and only intending to await a confirmation of his views from Port Jackson, he concluded that the nearer he was to the entrance of the port the easier it would be to get away. Hence, he planted his experimental colony on the narrow peninsula of waterless, sandy downs that acts as a breakwater to keep in check "the long wash of Australasian seas" from invading the peaceful waters of Port Phillip. The exact locality has been identified as lying between two points known as "The Sisters," half a mile to the east of the pier at Sorrento.

Here then, at nine o'clock on Sunday morning, the 16th of October, 1803, commenced the landing of the prisoners and their guards, with all their impedimenta. It is easy to imagine that the poor wretches hailed with delight a release from the close quarters they had occupied for six months, and were doubtless recklessly indifferent about the quality of the soil or the permanence of the water supply. It was two o'clock before the last boat-load reached the shore, and there was much to do before darkness overtook them. The bulk of the convicts were domiciled in tents which

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had been brought out in the *Ocean*, and were probably pitched on the small level plateau, where they could be under the purview of the sentinels. According to William Buckley, the mechanics were allowed to build themselves timber huts without these lines, and those engaged as sawyers, lime burners and brickmakers camped in the vicinity of their work, to some extent unguarded. Somewhat more imposing marquees were set up for the chaplain and the civil and military staff; and the erection of a large storehouse, with a substantial magazine for arms and ammunition, was forthwith commenced. The labour of the first few weeks was concentrated on discharging the stores from the *Ocean*, a toilsome duty that was not completed till the 4th of November. The philosophical and sympathetic Tuckey gives us a glimpse of the character of their toils when he says: "When I viewed so many of my fellowmen sunk, some of them, from a rank of life equal or superior to my own, and by their crimes degraded to a level with the basest of mankind; when I saw them naked, wading to their shoulders in water to unload the boats, while a burning sun struck its meridian rays upon their uncovered heads, or yoked to and sweating under a timber carriage, the wheels of which were sunk up to the axle in sand, I only considered their hapless lot, and the remembrance of their vices was for a moment absorbed in the greatness of their punishment." The more matter-of-fact Collins, however, while reporting that he will endeavour to get from the convicts all the labour he possibly can, is greatly pleased with the way they conduct themselves, "wading the whole day long, up to their middles in water, *with the utmost cheerfulness*, to discharge the boats as they come in".

Gradually the straggling turmoil began to take on order and system, as it was brought under the influence of military discipline. The mixed elements of the community were assorted into their places and required to keep them. The free settlers were allotted a valley close to the encampment in which to erect their huts, and allowed "small portions of garden ground". Collins expressed his belief that they only remained at the settlement on account of the excellence of the provisions with which they were supplied, and hoped to devise some means of relieving the Government

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of the expense of keeping them, as he finds them in general "a necessitous and worthless set of people". It is evident that the functions of the free settler did not harmonise with the Colonel's idea of the main object of his mission, for he writes to Governor King that, if there are any free people in Sydney who may be desirous of visiting Port Phillip, he trusts that he will not at any time suffer them to come, as they could only prove extremely troublesome to him under present circumstances.

On the whole he appears to have been humane and considerate in his ruling of the convicts. Their hours of labour, which were at first fixed from sunrise to sunset, with an interval of half an hour for breakfast and an hour for dinner at noon, were soon afterwards commuted to from five till eight o'clock, from half-past eight till noon, and from two till seven P.M. Further concessions were subsequently made, giving them an extra hour's rest in the forenoon of Tuesdays, and closing the day's labour on Saturdays at eleven A.M., from which hour until Monday morning they were not required to work for the public good. Seeing that nothing was attempted in the way of cultivation, it must really have taxed the inventive powers of the staff to keep three hundred people continually at work. To enable them to rise with the sun, they were all required to be within their tents for the night, and all lights out, at nine P.M., the latter precaution being rendered necessary by the discovery that the men preferred to pass the night in the excitement of gambling rather than in wholesome sleep. The weekly rations were on a generous scale; Sunday puddings were a set-off against the infliction of one of Mr. Knopwood's sermons, and even the festive ideas associated with the English Christmas found expression in the issue of a pound of raisins to each prisoner wherewith to make merry with his friends. The regulation clothing was sufficient and liberally supplied, and cleanliness was insisted on in person, clothing and habitation. Altogether, the lot of these involuntary emigrants was, as far as their physical comforts were concerned, infinitely better than that of tens of thousands of the hopeless poor of London and other large cities who had remained honest enough to keep out of the grasp of the criminal law.

Yet how essentially strained and artificial was the character

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of the community viewed from a colonising standpoint. Without self-restraint, without any definite hope for the future, without any ambition to conquer the wilderness, or any adventurous spirit to organise a search for its hidden treasures, the days rolled by and the weeks came and went, barren of result, destitute of all impulse to action, starving all interest in life. Wearily they plodded through the daily round of labour, cutting firewood, clearing scrub, burning limestone, making bricks and erecting shelters, more or less flimsy, for themselves and the stores; their daily recompense a fair share of the provisions which the Government had imported for them, their highest hopes centred in a liberal administration of the commissariat. Truly it is difficult to call up the picture of a settlement so utterly at variance with the prosperous seaside village of Sorrento now occupying the ground of the abandoned camp of this outcast contingent. In the immediate neighbourhood of the site of the rude timber huts and the rows of Government tents now stand the handsome villas and trim gardens of wealthy Melbourne citizens. The forlorn, prison-uniformed crowd that was kept in submission by armed force is now replaced by the well-dressed, prosperous and cheerful throng of holiday-makers, amongst whom scarce one in a thousand knows aught of the sin, sorrow and suffering that once held sway on these shores.

On the same Sunday morning as that on which the convicts were landed, an expedition was despatched in the *Calcutta's* launch and a six-oared cutter to explore the bay towards the north in the expectation of discovering a more suitable place for a settlement. It was under the command of Lieutenant Tuckey, who took with him Mr. G. P. Harris, the Deputy-Surveyor on the civil staff, and Mr. Collins, a relative of the Governor's, who had come out on business of his own connected with the sealing interest, but had formerly been a sailing master in the Royal Navy. In the report by Collins to Governor King, he says this expedition was absent nine days, but according to the Rev. Robert Knopwood's journal, they returned on Friday, the 21st of October, when they "produced to the Governor a chart, the survey about ninety miles round the bay from Arthur's Seat (the highest hill on the east of the bay), and had landed in several places to observe the soil, trees, and to obtain water". The

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report was, "the soil bad, the trees very small and but little water; nor could they get any fish". Tuckey in his narrative never commits himself to any details of dates or distances, and it is quite certain that the so-called exploration did not cover anything like "ninety miles round the bay," as that would have embraced the coast line from Arthur's Seat right round to the Indented Heads, and must have resulted in some discovery worth recording. On the following morning, Saturday, the 22nd of October, they started off again to survey the N.W. corner of the bay, apparently landing on the beach which fronts the level plains to the west of Point Wilson in Corio Bay. The locality of Tuckey's landing is very indefinite, both from his own description and Knopwood's diary, but in the log of the *Calcutta* there is a passage speaking of Tuckey's survey of the reported opening in the "N.W. at the head of the harbour," which says, "in the head of this arm Lieutenant Tuckey fell in with a large party of natives," etc. Here on the next day, Sunday, they got into their first serious difficulty with the natives, who attacked a portion of the party encamped with Mr. Harris on the shore, during the absence of Lieutenant Tuckey, who with the other boat's crew was doing a little independent survey. On his return at two P.M., he observed a great tumult on the beach, the tent surrounded by a swaying crowd, and the master's mate, pinioned by a stalwart native, calling upon him to fire. A couple of muskets fired in the air only produced a momentary pause, and reluctantly the Lieutenant ordered a volley of buck-shot to be fired into the thickest of the crowd, which created a general panic and precipitate flight.

Orders were immediately given to strike the tent and get everything into the boats, with a view to seeking a quieter spot for their midday meal; but before this could be accomplished, a large compact body of natives, all armed with spears, was seen approaching, who halted in line of battle within a hundred yards of the camp. Then the chief, with only one attendant, came down close up to the white men, and delivered a vehement harangue, which would probably have been very convincing had it been intelligible. Notwithstanding that his brandished spear appeared every moment as if on the point of quitting his hand, and that his countenance

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betrayed more of anger than of fear, Lieutenant Tuckey, who was very desirous of avoiding unnecessary bloodshed, laid down his own gun, and presented the chief with several garments, necklaces and spears, that had been left behind in the recent flight. This courtesy did not, however, apparently mollify the sable hero, or he was not able to control his following, for suddenly the whole line began to charge with much shouting and flourishing of spears. As a last resource the muskets of the party, loaded this time with ball, were brought to the present, and a final attempt was made to convince the chief that serious consequences would befall his people if they still came on. Of course it was useless, and when the crowd was within fifty yards, a volley tumbled the foremost man dead on the spot, and the chief, turning at the report, saw him fall and fled incontinently, the leader of a general dispersion.

This unfortunate episode when reported to Collins, doubtless with some exaggeration as to the number of the natives, which was set down at from 150 to 200, added a new terror to the district already under condemnation. The official report of the exploration, signed by G. P. Harris as Deputy-Surveyor, was as follows: "The land in general round Port Phillip, at a short distance from the shore, carries a deceitful appearance of rich country. The soil is, however, for the most part sandy, and very thinly wooded. Some light black mould is found in the heights and in the valleys; but neither in quality nor quantity sufficient for cultivation to repay the cares of the husbandman. The best soil is found in the Western Bay, chiefly consisting of marl covered with a light black mould. Good water is found in many parts on the eastern coast of the harbour, but the western appears a dried-up country, seeming not to possess sufficient moisture for the smallest cultivation. The northern shore is more numerously inhabited than any other part, from which it is likely that water is to be found there, although no appearance of it was seen during the survey."

The so-called survey would appear to have been a very feeble pretence. The boats could hardly have entered Hobson's Bay without finding the mouth of the Yarra; nor could they have run closely down the west coast and failed to observe the outflow of the Koroit and Skeleton Creeks, or the Werribee and Little Rivers.

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It is probable that they jumped to conclusions that they knew would harmonise with the Governor's views. It is easy to imagine that the fright they received from the demonstration by the natives made them content with such a survey as they could take from the shelter of their boats, at a safe distance.

If anything had been required to confirm Governor Collins in his adverse decision regarding the settlement, the reports of Tuckey and Harris provided it. With amiable self-complacency the former officer says in his narrative that "the unfavourable account given of Port Phillip by the First Lieutenant of the *Calcutta*, immediately presented the necessity of removing the colony to a more eligible situation". But before this step could be taken Collins was bound by his official instructions to obtain the concurrence of the Governor of New South Wales, and to that end he now directed his efforts. There were difficulties, however, in the way of prompt communication with his superior officer, who up to this time was ignorant of the arrival of Collins and his party in Port Phillip. The *Ocean* transport was being rapidly unloaded, and would be discharged in a few days, but the captain made a pretence of being in a hurry to get to China, and objected to being delayed by delivering a mail in Sydney. At this juncture Mr. William Collins, already referred to as the companion of Tuckey and Harris in their trip on the bay, volunteered to make the journey by sea in an open boat, making light of the Governor's expressed anxiety about the danger of the voyage. The boat was fitted out and prepared under the personal direction of Mr. Collins, who was an experienced seaman; was provisioned for a month, and manned by a volunteer crew of six men from the ranks of the convicts, the stimulus in their case being the prospect of liberty on reaching Sydney, if favourably reported on. To this intrepid messenger was entrusted the despatch, already quoted from, which was addressed by David Collins to Governor King, under date 5th November, 1803, setting forth all that had been done up to date, and soliciting his Excellency's commands as to his future proceedings. Lest the discouraging report on the locality then occupied should only lead to Governor King suggesting a trial of the district around the freshwater river at the head of the bay, as recommended by Grimes, a fresh difficulty was raised

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in the despatch. "Were I to settle on the upper part of the harbour," writes Collins, "which is full of natives, I should require four times the force I have now, to guard not only the convicts, but perhaps myself, from their attacks."

The boat party made a start from the settlement on Sunday morning, the 6th of November, but owing to foul winds and the heavy sea in the "Rip," brought up inside the Heads for some days, and did not finally clear Point Nepean until the Thursday morning. The log of the voyage is not extant, but they must have made fair running, for when overtaken and picked up by the *Ocean*, which left a week later, they were within sixty miles of Sydney Heads. Fortunately the master of the transport thought it might be worth while to call in at Port Jackson, having probably a premonition that a further Government charter was possible, and that it would be more profitable than his China venture. His surmise proved correct, for on the second day after his arrival the vessel was re-chartered for four months at the satisfactory rate of £432 18s. per month, and ordered to return to Port Phillip forthwith to assist in the removal of the settlement.

Meanwhile, pending receipt of instructions from Sydney, the denizens of the so-called Sullivan's Bay went through their daily rounds of drill and routine labour, literally spending their strength for naught, for when the site came to be revisited by the white men a generation later, not a sign could be found of the results of those toilsome months.

The first child born on Victorian soil saw the light of day on the 9th of November. He was the son of a sergeant of the marines, and was baptised on Christmas Day in the name of William James Hobart Thorne. The interest taken in the event may be gleaned from the fact that the Governor and Lieutenant Johnson, R.N., duplicated the responsibilities of godfathers, while Mrs. Powers and Mrs. Whitehead stood as joint godmothers. A marriage also was solemnised, on the 28th of November, between Richard Garratt, a prisoner of the Crown, and Hannah Harvey, a free settler. What elements of romantic devotion may lurk in this bald announcement! How easy to imagine the enduring affection that outlived the disgrace of its object and the fall from its high ideal

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that inspired a gentlewoman to forsake home and friends to follow the lover of her youth to unknown worlds so that she might win him back to self-respect and happiness. Such things have been done, and as history is silent in this instance there is room at least to hope that the first marriage within the limits of Victorian territory was sanctified by such exalted intentions. Although but one birth and one marriage are recorded, death was busy enough in the little settlement. The first to succumb was John Skillhorn, a free settler, who died on board the *Ocean*, on the 10th of October, before the official landing. The cook of the *Calcutta* and many of the convicts were added to the mortuary roll, and altogether no less than twenty-one left their bones to bleach in the sandy downs of the Nepean peninsula during its brief tentative occupancy.

On the 17th of November, the day after the departure of the *Ocean* for Sydney, a special parade of the military was ordered, and in the presence of Captain Woodriff, the officers of the *Calcutta* and all the convicts "clean dressed," a formal proclamation was made of the Governor's powers, his commission being read by the chaplain, followed by three volleys of musketry and the usual cheering. Advantage was taken of such an imposing gathering to wind up the proceedings by flogging five convicts who had attempted to abscond into the bush, in the expectation that the sight of the unpleasant consequences might check a rapidly growing practice.

The next morning the *Calcutta* got under weigh and proceeded up the Port in search of a suitable place to replenish her stock of fresh water and secure a supply of timber for experimental shipment to England. She anchored awhile off Arthur's Seat to send assistance to a carpenter's party who, while engaged in cutting timber, had been beset by the natives. With characteristic exaggeration Mr. Knopwood states in his diary that "the number of the blacks was about 400". On the morning of the 21st, Captain Woodriff came to anchor off the mouth of the Kannanook Creek, between Schnapper Point and Frankston, where he remained for several days, taking on board in all fifty-three tons of water and a considerable shipment of timber, finally getting back to his old anchorage off the settlement on the 5th of December ready for sea.

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An erroneous impression long existed that the *Calcutta* had watered from the Yarra River, and was consequently the first vessel of any size to cast anchor in Hobson's Bay. The record of her official log, however, preserved in Deptford Dockyard, and copied by Mr. Labilliere, proves conclusively from the bearings and distances quoted, that the Kannanook Creek was the farthest northing she made in Port Phillip. Colonel Collins had failed to persuade Captain Woodriff to assist him in removing the settlement, that officer appearing to consider a King's ship too valuable to be risked in examining comparatively unknown coasts; but he had agreed to remain until the decision of Governor King should be received from Sydney. While waiting for this, Captain Woodriff allowed his indefatigable First Lieutenant Tuckey to undertake a short excursion overland to Western Port Bay, and although he passed over thousands of acres of land now profitably occupied for pastoral and agricultural purposes, he brought back the same stereotyped report of barrenness and drought. In one place only, within a few miles of Cape Schanck, did he find anything to praise, and there he admits that he "found the country well watered, the soil very rich, and in many places meadows of from fifty to a hundred acres, covered with grass five feet high, and unencumbered with a single tree". And this within half a day's walk of the condemned settlement.

On Monday morning, the 12th of December, a signal was made that a vessel was approaching the Heads, and late in the afternoon the *Ocean* took up her old station, and the news soon spread round the camp that the settlement was to be removed to some more fertile district. Two days later the Government schooner *Francis* arrived from Sydney to assist in the transfer, but was found to be so leaky that she was hove down on the beach for repairs. Captain Woodriff was now anxious to be gone, and formally intimated to the Governor that he should sail for Sydney on Sunday, the 18th of December. He finally cleared the Heads on Monday morning, and left the Governor to maintain the best order he could with his small company of royal marines. The unwillingness displayed by Collins to let the *Calcutta* go was probably due to his apprehension that his civil and military staff were inadequate to cope with any serious outbreak, should one occur amongst the convicts. He had,

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during that vessel's stay, borrowed one non-commissioned officer and ten privates to strengthen his own company for sentry and other duties, and when he surrendered these and allowed for the men who were under arrest or punishment, the weakness of his position was brought home to him. The pressure of additional work, which he had to put upon the convicts to get the transport loaded as soon as possible, for which purpose they were building a jetty, probably helped to make them more discontented. The character of his general orders issued about this time seems to indicate an excess of disciplinary severity, and although the reason assigned for requiring the men to work on the Sundays and Saturday afternoons is that they may the sooner be freed from "this unpromising and unproductive country," to where they would enjoy the comforts of more fertile surroundings, the inducement was probably insufficient to make them cheerfully acquiesce in forced extra labour. The Governor, therefore, in conference with the chaplain and the heads of the staff, organised a plan of association by which the whole of the civil officers of the settlement formed themselves into a kind of vigilance committee, doing night patrol duty, armed with a pair of pistols, in case of any disturbance in camp. Fortunately there was no general rising of the convicts, and the courage of the gallant special constables was not severely tested. They had their regular patrols, their watchwords and countersigns, and more than once turned out with vigorous intentions of capturing runaways, in which they were generally unsuccessful. On the 7th of January, 1804, no less than twenty-nine in all started in pursuit of some escaped convicts, and returned at dusk without finding them, though, according to the chaplain's diary, "it was computed that the distance we walked could not be less than fifty miles, some said more". The loss of time and waste of energy so irritated the Governor at last that he proclaimed in one of his general orders his intention of making no further search for absconders, who if they did not return voluntarily must be left to perish of famine, so the loading of the *Ocean* was pushed on without intermission, and on the 24th of January 120 of the convicts were embarked in her with a guard of twenty marines. On the next day the free settlers, and some of the civil staff, were embarked

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on board the *Lady Nelson*, which had arrived a few days previously to take the place of the unseaworthy *Francis*.

The first instructions to Collins by Governor King left him at liberty to proceed to Port Dalrymple, the estuary of the Tamar, on the north coast of Tasmania, or to the Derwent on the south, with a decided leaning towards the former place. A subsequent letter, however, received from Governor King, reported that the channel entering Port Dalrymple was found to be very intricate and narrow, with only three fathoms of water, therefore he presumed that Collins would proceed to establish himself on the Derwent. Before the receipt of this despatch, indeed, he had made up his mind to that course, one of his principal reasons being the discovery of a spirit of discontent amongst the soldiery, which he would be the better able to control with the support of a detachment of the New South Wales Corps already quartered there. The fact is, he preferred selecting a place where there was a nucleus of a settlement to making another experiment in an unknown wilderness. The intricacies of the navigation of the port of Launceston was an excuse quite in keeping with his discovery that Port Phillip was "wholly unfit for settlement".

So on Thursday evening, the 26th of January, the Governor went on board the *Ocean* accompanied by a portion of his staff, including the surveyor and the chaplain. The latter incidentally mentions in his diary that they arranged with the captain of the transport to find them in everything for the very moderate sum of four shillings each per diem. They dropped down to the Heads, but a stiff south-easterly gale barred their exit for a day or two, and on Sunday they went on shore again for a final stroll.

But on Monday morning, the 30th inst., they made all sail and stood out into the Straits, carrying Governor David Collins out of our annals, never again to set foot on the Australian Continent. The *Ocean* arrived in the Derwent on the 15th of February, but the process of landing her passengers and discharging her cargo was so tedious that it was not until the 25th of March that she started back again to fetch the remainder of the convicts and their custodians. The interim command of the settlement had devolved on the chief officer of the marines, Lieutenant William Sladden,

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who had been left with over one hundred convicts and about twenty soldiers. These were all safely embarked on board the *Ocean* by the 18th of May, and three days later they cleared the Heads, but owing to unprecedentedly severe weather only reached Hobart on the 25th of June, in a sadly strained and battered condition.

Thus were the shores of Port Phillip once more left to the solitude of nature, disturbed only by the occasional visits of the feeble and scattered natives, the alarming legends of whose prowess, numbers and cannibal propensities had doubtless helped to intensify in official minds the "unfitness" of the country for settlement. Of the four hundred Europeans who had recently been waging a half-hearted contest in misdirected efforts to subdue the wilderness, only William Buckley remained, and as the years rolled on in their recordless monotony, he gradually relapsed into the barbarism that surrounded him. If his statements can be relied on, chance visitors of his own kind, probably vagrant parties of sealers, occasionally appeared on the scene, abducting the black women and fighting the men. Indeed, one of his statements indicates the possibility of deeds of violence in these lawless solitudes akin to those which marked the career of the old buccaneers. He alleges that two white men were brought ashore by four or five others from a vessel, and having been tied to a tree, were shot, and their bodies left bound as they died.

However inefficient Governor Collins may have been as an explorer, he bore the reputation of being a humane and honourable man, of strong social instincts and cheerful temperament. He has been described by his contemporaries as possessing a handsome person, extremely prepossessing manners, a high standard of culture and a fondness of literary pursuits. His *Account of the Colony of New South Wales* is a monument of careful industry, and is written in a simple unaffected style. Victorians owe him a great debt, not only for his abandonment of the settlement and the withdrawal of his undesirable subjects, but for his having inexplicably ignored an important part of his instructions from Governor King, instructions which, though decidedly mandatory, he never even alludes to in his despatches. They were embodied in a letter addressed to

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Collins on 30th December, 1803, in these words: "I think there is a necessity for a small establishment being left at Port Phillip, in the most eligible situation, as well for the purpose of advising any ships that may hereafter arrive, as for other advantages that will attend that measure. Perhaps a trusty sergeant and superintendent might be sufficient at present until further instructions are received from England on this head." And in writing to Lord Hobart on the 1st of March following, the Governor of New South Wales advises him: "Although I cannot but regret that Port Phillip has been deemed unfit for a principal establishment, yet, as I conceived it necessary to leave a small establishment at that place, I have given the necessary directions for that purpose".

Perhaps it is not an inappropriate recognition of this neglect of instructions that the name of Collins is perpetuated in Victorian history by having been bestowed on the finest street in the finest city on the Australian Continent.

Later it will be seen that the settlement of the country, officially condemned as unsuitable, was effected by private enterprise, not only without Government aid, but in spite of the active opposition, amounting almost to forcible prohibition, of the ruling authorities.

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CHAPTER III.

INTERMEDIARY EXPLORATION—HUME AND HOVELL'S OVERLAND JOURNEY—GOVERNMENT SETTLEMENT AT WESTERN PORT.

THOUGH some thirty years elapsed before the waters of Port Phillip were again disturbed by any vessel more pretentious than a possible stray sealing cutter, the Government of New South Wales did not by the withdrawal of the settlement abandon the idea of establishing a post there. It was probably nearly a year after Collins had left before Governor King became aware that his directions for leaving a small official staff on the spot had been ignored. Even while the *Ocean* was embarking Lieutenant Sladden's party, King was writing to Lord Hobart that he purposed sending a trusty person to fix a post either at Port Phillip or Western Port, as might be deemed most expedient. The selection fell upon Lieutenant Robbins, R.N., who had accompanied Grimes in his survey of the bay, and towards the end of 1804 he was despatched in the armed Government cutter *Integrity*, accompanied by Lieutenant Oxley, R.N., to report upon the most suitable place for a post of occupancy, without regard to its fitness for agricultural settlement. They devoted their time exclusively to an examination of Western Port, and they jointly condemned it. Robbins expressed his opinion that it possessed no advantages to render it suitable for settlement; that it was badly watered, while most of the land was low and swampy, adding: "In comparing it with Port Phillip, which I was at the examination of in 1803, in conjunction with Mr. Grimes, I have not seen any part of the Western Port, in my opinion, so eligible for a settlement as the freshwater river at the head of that port". Oxley is even more emphatic than his colleague, and declares that if Port Phillip was bad, this place

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was infinitely worse, and could never from any point of view be considered fit for a settlement. They returned to Sydney with their report, which was conclusive in one respect, namely, that the two places named were the only ports on the north shore of Bass Strait, and that both had grave disadvantages. Notwithstanding the reiteration by Robbins of his views about the advantages of the Yarra site, no action was taken, and some twenty years passed away before the King's ships were again put in requisition for planting a settlement on the discredited Victorian territory.

The exploration, however, of this period which had the most important results on colonisation, and which was effected with scarcely any aid from the Government, was not conducted by sea. It was the journey overland of Messrs. Hume and Hovell from the westernmost settlements of New South Wales to the shores of Corio Bay. A vast amount of controversy has raged around the names of these two men, affecting not only their respective capacity as explorers but the facts of their journey, and the very destination they were alleged to have reached. Hovell contended that their journey culminated on the shores of Western Port Bay, while Hume maintained that they passed to the west of the present site of Melbourne, and struck the shore of Port Phillip near the site of the town of Geelong.

There is no need to disturb the dry bones of this controversy, for the preponderance of evidence in every respect is in favour of Hume, who was undoubtedly the real leader and superior bushman of the party. There is some documentary evidence, in the shape of a report furnished to the Governor by Hume on his return, dated 24th January, 1825, that he had at any rate for a time believed the goal they had reached was Western Port, but in all subsequent published statements he is emphatic in declaring for Port Phillip, and alleging that he never had any other opinion. While Hovell, when afterwards sent to Western Port by the Government, was compelled to admit that he had never been there before.

During the twenty years that had elapsed since Robbins and Oxley had been sent to examine the southern coast of Victoria many changes had occurred in the parent colony. Governor King

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had been called to his account, and his successor, the arrogant, pompous and tyrannical Bligh, had been deposed and driven out of the colony. The turbulent reign of Governor Macquarie, so redolent of social difficulties and caste disputes, had been brought to an end by his recall, and Sir Thomas Brisbane reigned in his stead.

Though a soldier, and one who had passed a large part of his life in fighting, Brisbane was a man of studious habits and considerable scientific attainments. His forte was astronomy, and, not unnaturally, in connection with such a study he took great interest in exploration. His habit of secluding himself in order to pursue his favourite investigations made him unpopular in a community where the Governor was supposed to take the lead in all social movements. Perhaps it was a sense of this that made him desire to distinguish his tenure of office by some substantial additions to the geographical knowledge of Australia. He declined to accept the report of Mr. Surveyor-General Oxley that all the country south of the 34th degree of latitude and west of the 147th degree of longitude was uninhabitable, and useless for all the purposes of civilised man. When it is borne in mind that this condemnation covers the whole of Victoria, and such rivers as the Murray and Murrumbidgee, the Governor's scepticism was certainly warranted. He was strongly of opinion that in so large an extent of territory there must be found some navigable river finding its way to the sea on the east or south coast, and to test it he proposed to land three or four convicts, with a couple of pack bullocks to carry a supply of food, either on Wilson's Promontory or Cape Howe, and let them find their way back to Sydney as the price of their freedom. Mr. Alexander Berry of Shoalhaven, whom the Governor had consulted in the matter, promptly pointed out to him that, however strong the inducement to success, men of that class were more likely to render good service under a leader than if left to themselves. Indeed, apart from the unreported escapes from the camp of David Collins, the experiment had been unsuccessfully made by the five men whom Bass landed on that coast and provided with directions, provisions and firearms. Accepting Mr. Berry's advice, the Governor authorised him to offer the com-

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mand of the expedition to Mr. Hamilton Hume, then occupying a station at Lake George, some 200 miles south-west of Sydney. Though only twenty-seven years of age at this time, Hume had acquired quite a reputation for his skill as a bushman, his readiness of resource in difficulties, and his tact and firmness in dealing with the natives, some of whose dialects he had made himself acquainted with. From the early age of sixteen he had been exploring and opening up new country, until he was recognised as the authority to consult, but he was now trying to do something for himself on his grazing farm at Lake George, which he held in partnership with Mr. W. H. Broughton. When the Governor's proposal was submitted to him, fond as he was of exploration, his bushman instincts counselled him not to start from a place where, in the event of failure, he would have no base of operations to fall back upon, and he promptly declined to take the responsibility. Pressed to indicate his own views of procedure, he offered, if supplied with six men, six pack horses and the necessary provisions, to make a start from his own station and reach Western Port overland. The Governor at first agreed to the conditions, but on reflection, being of a frugal mind, decided that the Government could not afford the outlay involved in such an outfit. After a period of inaction, negotiations were again opened with Hume by the Government, and though Sir Thomas Brisbane appeared personally desirous of rendering the promised assistance, official difficulties and objections were raised, probably based on the Surveyor-General's adverse report, and a final refusal closed the correspondence.

In the meanwhile Captain Hovell, a retired master mariner, who had taken up some country for grazing, and was therefore personally interested in opening up any territory suitable for pastoral purposes, applied to the Governor to be associated with Hume in the expedition. As it was assumed that his professional knowledge would be valuable in taking observations, and otherwise in strengthening the force of the expedition, and Hume offered no objection, his application was duly assented to.

Finding it impossible to bring the Government to any reasonable terms, the two men, who had already wasted a great deal of valuable time in the negotiations, resolved to make the journey at

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their own expense, subject to some small provision of stores from the commissariat, and the promise that if successful they should receive each a suitable land grant and the cash equivalent of the hire of their draught stock. Hume accordingly provided two horses, a cart and one pack bullock; Hovell contributed a cart, one horse and four bullocks. Hume's resources were so limited that he had to sell his fine imported iron plough to purchase his share of the stores and provisions. The whole contribution by the Government was comprised in the loan of six pack saddles, a tent, two tarpaulins, a small quantity of arms and ammunition, two skeleton charts for tracing the journey, and the present of an outfit of slop-clothing for each of the six convict servants. Naturally the pack saddles, the tent and the tarpaulins were not of much value after the rough usage of such a journey, but the arms were duly returned to the public stores, and the skeleton charts, materially enhanced in usefulness by additional tracings, were handed on to the Surveyor-General. Whether under irritation at the non-receipt of the saddles, or from motives of parsimony bordering on repudiation, cannot now be known, but it is certain that, splendid as were the results of the exploration, the Government refused to pay for the hire of the cattle, as promised, and Hume says that he had great difficulty in obtaining tickets-of-leave for the three servants who had so faithfully worked for him.

The association of Captain Hovell with the party, though it cannot be said to have affected the result of the expedition, was productive of a great amount of discomfort, and by continual dissensions intensified the hardships experienced. On account of his ability to use the sextant, he rather arrogated to himself the position of at least the scientific leader; but his absolute ignorance of woodcraft, his indecision and irresoluteness, which frequently led him to wish to turn back, soon lost him the confidence of the party. All the assigned convict servants pinned their faith to Hume, and when in one of the early stages of the journey Hovell, following his own course in opposition to his colleague, got lost, and spent a miserable night out of camp, his prestige was gone. The names of the three men who were allotted to Hume were Henry Angel, James Fitzpatrick and Claude Bossawa; Hovell's

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servants were named Thomas Boyd, Thomas Smith and William Bollard. Some years after the return of the expedition, when the claims put forward by Hovell to all the credit of it roused the indignation of Hume and his friends, three of the men, Boyd, Angel and Fitzpatrick were still living, and their published testimony to the real leadership of Hume was emphatic and conclusive.

The party, eight in number, were assembled at Hume's station on Lake George on the 13th of October, 1824. Here by careful measurement they found a base line, compared their compasses, and marked on the skeleton chart a direct track to the coast at Western Port. On the 17th they set out, trusting, as Hume says, to his compass, his knowledge of the bush, a stout heart and a hardy constitution. Two days brought them to their first difficulty, the river Murrumbidgee in full flood, with a swift current swirling under its banks. For a while they camped on the banks, hoping that the stream would go down, but on the third day, seeing no signs of abatement, and having failed in the attempt to make a bark canoe sufficiently strong to breast the torrent, Hume improvised a punt by taking the wheels off one of the drays and covering it with a tarpaulin. Accompanied by Boyd he then swam across the river with a thin line, with which a stout rope was drawn across, and firmly fixed as a guy for working the punt. In this impromptu vessel the remainder of the party, the second cart and all the stores were ferried over, and the cattle were swam across one by one. But although the first barrier was surmounted, they now found themselves hemmed in by mountains, and it was here that the first difference occurred, resulting in Hovell losing himself. They reached the Coodradigbee River on the 26th, and finding the difficulties of wheel traffic too much for them, agreed to make a depôt there, and leave their carts and some of the stores. Amongst the impedimenta which Hovell rejected here was his tarpaulin, but Hume with more foresight carried on his, and without this precaution they would probably never have been able to get the party across the Murray, and their journeyings would have ended in New South Wales. For three weeks after the abandonment of their carts they were entangled in a most difficult country of mountain gorges, perpendicular chasms and heavily timbered ranges. It was

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a continuous climbing of difficult ascents, only to find an equally precipitous descent on the other side. At length, having crossed the Tumut River, they arrived on the 8th of November at a mountain barrier which seemed to forbid further progress. With much difficulty Hume and Hovell, leaving the men in camp at foot, climbed nearly to the summit of the opposing range, and then there broke upon their astonished view a panorama of colossal snow-clad peaks, such as dwarfed all the surroundings. Stretching across their route, extending from south-east to south-west, the compact mountain chain now called the Australian Alps, glittering in the sunshine, barred all hope of successful exploration in that direction. And yet the base line of their route, sketched on the skeleton chart, the straight road to Western Port, lay right through the heart of them. The practical sagacity of Hume convinced him at once that it would be hopeless to find a path through those ranges, and he promptly decided to make a détour of fifty or sixty miles to the west in the expectation of finding more level country through which to continue his southerly course. Hovell, more used to travelling by chart, and knowing less of the obstacles before him, persisted in going ahead. The dissensions which had been frequent enough between the two explorers culminated here in a violent quarrel. They agreed to separate, and as both laid claim to the tent, it was proposed, after the manner of Solomon's judgment, to cut it in two, but Hume gave way rather than consent to its mutilation, and Captain Hovell walked off with it in triumph. There was even a struggle for the possession of the only frying pan, Hovell having left his at the depôt with his cart; but although the handle was broken off in the contest, neither party was destined to be long without this culinary convenience. For the wrathful mariner, though he sallied forth on his southern course with apparent determination, soon repented him of his rashness. One of his servants, Thomas Boyd, says: "After travelling some distance, I represented to him that the course we were steering led us right among the snowy mountains, and that if we once got among them we could never get out, and must all be lost. He agreed with me; and at his desire I sought and found Mr. Hume's track, ran it down, and we joined him and his party about dusk

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the same evening, just as they had camped for the night." A reconciliation was effected, and the whole party held on their western course for three or four days, the ranges and the gullies getting less difficult to cross, until on the 14th they descended into a fine undulating country, somewhat too boggy for comfortable travelling, but a great relief from the strain of incessant climbing of the past three weeks. On the morning of the 16th of November they came suddenly upon a fine river, fully eighty yards wide, deep, clear, and clothed with verdure to the water's edge. It seemed to them the finest and most promising stream yet discovered in Australia, and Hume christened it by his own name out of compliment, he says, to the memory of his father. Four or five years later the same river, discovered by Sturt much lower down, was called by him the Murray, which name it now retains throughout its entire length; but there is a touch of injustice in the tacit ignoring of the claims which the original discoverer had to perpetuate the remembrance of his courageous enterprise. Looking across this noble stream, the explorers saw for the first time the fine park-like timbered plains destined, even in their lifetime, to be covered with the flocks and herds of the yet unborn colony of Victoria.

But grand as was the prospect which so fine a river opened up for discovery, it could not be taken advantage of without a boat, and so far was rather a hindrance than an assistance. At first they started down the stream to seek for a suitable ford, but the farther they went the more majestic became the current, and after two days' journey they reluctantly retraced their steps, and from the point where they first struck it ascended the stream about fifteen miles. Here they chanced upon a spot where a jutting range had narrowed the river to about forty yards, and the process by which they had crossed the Murrumbidgee was repeated, except that in lieu of the cart a rough framework of wattles was covered with the invaluable tarpaulin, and a water-tight boat was made in a few hours. On the following morning, after travelling only four or five miles amongst the lagoons which spread all around them, they were surprised to come upon another river, about the same width as their last crossing-place, with a strong current. This was the

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Mitta Mitta, and it necessitated the reconstruction of the wattle-punt and a repetition of the old process. Captain Hovell began to be alarmed at the frequency of this kind of navigation. He protested that the tarpaulin was nearly worn out, and that when it failed them they would never be able to get back. He wanted to recross the Hume and follow it down on the northern bank, and he delivered an authoritative address to the men, urging them, on the ground of their personal safety, to refuse to proceed any farther. The majority of the men were with him, but Hume was not to be diverted from his plans; and while he plainly intimated to Hovell that he might go where he liked, he threatened dire punishment on any of his own men who should show the white feather. He declared that as long as he had a bullock to eat, and its hide to make a boat of, he would not turn back without seeing Bass Strait. The men, though anxious to turn back, were afraid to trust themselves to Hovell's guidance, and were shamed by the enthusiasm of the younger leader. As on a former occasion, when Hovell found his colleague had fairly crossed the Mitta Mitta, taken his wattle-boat to pieces and started on his way, his resolution failed. He had no tarpaulin to help him back over the Hume, and his men looked askance upon the idea of being deserted in the wilderness. He was fain to submit, and signalled to Hume to stop and take him over. The boat was reconstructed, once more a reconciliation was effected, and the reunited party pressed on. The Little River was crossed on a fallen tree, and two days later they struck the Ovens River, near Wangaratta, which they fortunately found easily fordable. Another eight days' tramp, during which they crossed the Broken River and numerous creeks watering the rough country in the Euroa district, and scaled the Strathbogie Ranges, brought them to the banks of the Goulburn, which they were enabled to cross on a large tree. Here, by too closely adhering to their course by the chart, they made their most serious mistake, and holding on a southern course got entangled in the impenetrable ranges to the east of Tallarook. For a week they struggled on over a rugged, stony and precipitous track that lamed the cattle and exhausted the men. Nearly worn out with the incessant labour of cutting their way through the tangled scrub of the forest, they

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camped on the 9th of December on the banks of the King Parrot Creek to recruit. From here Hume and Hovell started alone to make a reconnaissance, taking four days' provisions. Steering south-west they literally scrambled much of the time on their hands and knees to the summit of Mount Disappointment, the appropriate name they bestowed upon it in memory of their repulse, and which it still retains. The attempt to descend its south-western slope was a failure. The density of the strong undergrowth, the height of the ferns, the intermingled barriers of fallen timber, and the prevalence of the sharp cutting sword-grass, not only defied their progress but prevented them obtaining any general view of the lay of the country. Could they but have found a cleared summit they would have been rewarded by a view of the verdant flats through which the Plenty River, within a few miles of them, was hastening to join the Yarra in its placid course towards the sea. But as if the ruggedness of nature was not a sufficient obstacle, another difficulty met them here. Hume, while walking on the barrel of a fallen tree intently scanning the prospect, caught his foot in a tangled creeper and fell on a jagged spike, which inflicted a painful wound in the groin. Baffled in the contest, jaded with their severe exertions, bleeding from the smarting cuts of the sword-grass, and Hume at least in doubt as to whether he was permanently disabled, they passed a miserable night on the mountain, and got back painfully to the camp next morning. To add to their discomfort the country was now found to be on fire in all directions, the dense smoke making it most difficult to select the best course. But they could not afford to delay, and the same afternoon they struck off to follow the creek down, but the fierce fire and the blinding smoke compelled them to give it up before they had gone a couple of miles. The next morning, the wind having died away, they made a fresh start, and after travelling about eight miles to the west, they came upon open, grassy country, and the same evening pitched their camp at Sunday Creek, near Kilmore. Here, when all before them was a mere promenade compared with what they had gone through, the men for the first time displayed a mutinous spirit of discontent. They thought they had done enough in the cause of exploration; they had lost most of their dogs, and could therefore no longer rely

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upon the prospect of roast kangaroo to supplement their rations; the cattle were mostly lamed, the horses were skeletons, and the disheartened band wanted to turn back before everything failed them. Hume argued the point vigorously, without, he says, receiving any support from Hovell; but finally he was fain to make a compromise. He felt so sure, from the altered character of the vegetation, that they were approaching the sea, that he agreed to turn back if they did not make the coast in the next three or four days. Next day they crossed the Big Hill, travelling sixteen miles south by east, and on the following day found an easy route over meadow-like country, in the midst of which they came upon an isolated bald hill which they called Bland's Mount. From this summit, which still bears the name and stands a little to the north of Beveridge, they were gladdened by the prospect of open park-like undulating plains, extending as far as they could see to the south-west. They kept on crossing two or three creeks, probably the upper reaches of the Salt Water River and some of its tributaries, and on the evening of the third day, the 15th of December, after a tramp of twenty miles across an open, trackless plain, came upon the banks of the largest river they had met since crossing the Goulburn, where they camped for the night. This they named the "Arndell," believed now to be identical with the Salt Water River. They crossed it easily the next morning by fording, and continued their south-west course over the plains for about six miles, when suddenly the distant shimmer of a vast sheet of water broke upon their delighted gaze. They altered their course to the south, and by four o'clock in the afternoon their goal was won—they stood upon the beach of Port Phillip Bay. The water near the shore abounded in ducks and black swans, the exhausted larder was replenished, and though they were unsuccessful in finding a fresh-water creek, they camped for the night with abundant provisions and exhilarated spirits in the shelter of a small wood about a mile from the beach. The next morning broke with a westerly gale and rain, but they were suffering for want of water and had to start. After an hour's search they found a creek of clear fresh water, surrounded by abundance of good grass for the stock. Here they agreed to camp for a day's rest, to recruit the

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jaded cattle, to take stock of their stores, and to plan their return journey.

The account of the *Journey of Discovery to Port Phillip*, originally published in Sydney in 1831, edited by Wm. Bland, which Hovell declared to be the only authentic narrative of the expedition (compiled from his field book), is so loose in its descriptions and so provedly unreliable in its latitudes and longitudes, that it is quite impossible to identify from it the actual point on the coast where they spent this memorable day. The balance of evidence is in favour of its having been near a point called Bird Rock on Corio Bay, nearly opposite Point Henry, and about ten miles from the site of Geelong. At the time, Hovell at least believed it to be the north shore of Western Port, and it is thus described in the narrative referred to: "The harbour or bay consists of an immense sheet of water, its greatest length extending east and west with land, which had the appearance of an island, to the southward lying across its mouth, but which, in fact, is a peninsula, with a very low isthmus connecting it to the western shore". It will be seen that this applies pretty accurately to the view across Corio Bay, but is entirely inapplicable to the view of French Island from the northern shore of Western Port. Nevertheless, on the return of the explorers to Sydney, both in the communications to the Press and the reports to the Government, the statement is made that the expedition reached " Western Port, and encamped on the southern point of the right bank of the base at the back of the large island in the bay," a curiously vague description. Although this statement was published in a Sydney newspaper in February, 1825, Hume does not appear to have taken the trouble to correct it, though in his *Brief Statement of Facts* he says positively that he never had any doubt about the locality being a part of Port Phillip Bay. Indeed, he declares that before they discovered the water he recognised, from careful descriptions which had been given him, the prominent landmark which Flinders had named "Station Peak," and was steering by it when they saw the sea.

During the progress of the long overland journey the party had frequently come upon traces of the natives, and more than once had received from them information about their route. So far their

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intercourse had always been of a friendly character, but during this day of rest, in close proximity to the spot where Lieutenant Tuckey had been attacked by them twenty years before, they encountered the first hostile demonstration. James Fitzpatrick, one of the men, while seeking wild-fowl at some little distance from the camp, was surprised by a couple of natives, who chased him up to the tent. They evidently were aware from experience of the power of firearms, for on muskets being presented at them they made signs of peace. Hume was able to hold some communication with them, partly by signs, and they endeavoured apparently to describe the arrival of a vessel in the bay, from which white men had landed, and had been busy cutting down trees, though whether this had reference to so distant a period as the settlement of David Collins, or the more recent visit of some sealing vessel, it was impossible to discover. The travellers would have liked to make a short excursion on horseback to examine the country to the westward, but they feared it would be unsafe for the party to separate, as numerous bush fires were being made around them, which they believed to be native signals. It was decided therefore to start homeward on the next morning. They took note of the native name of the bay Geelong, which at first they spelled "Jillong," and of the surrounding plains or downs "Iramoo," a name apparently applied to the whole of the now called Werribee and Keilor Plains.

Provisions for the return journey gave them some anxiety. They had only 150 lb. of flour, which on reduced rations might last them four weeks, a very small quantity of tea and sugar, and no other food but what they could kill or catch. In light marching order they then set off on Saturday morning, the 18th of December, and keeping almost on their old track they reached their former camp at the Sunday Creek on the evening of the fourth day. From here, with a vivid recollection of their troubles on the outward journey, they bore away more to the westward and found the travelling comparatively easy. They rested a couple of days on the banks of the Goulburn to avail themselves of the abundant supply of fish obtainable, crossed the Ovens on their old track, and at noon on the 3rd of January, 1825, found themselves once more

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on the Hume, or Murray, now so low as to be easily forded in three feet of water. Twenty-four hours' rest here for the cattle, and an unstinted supply of fish for the men, sends them off in high spirits the next day, making good headway, and falling in with large numbers of friendly natives. On the 8th of January the last of the rations was served out, and they had still 150 miles to go. Could they have held on due north until they reached the Murrumbidgee, they would have found no difficulty in following it up towards the occupied country. But failure, from meeting with any unexpected obstacle, meant starvation, and they determined rather to recross the Tumut, and encounter the known mountain difficulties in order to reach their depôt on the Coodradigbee, where they had at least some store provisions. On the 13th they were fortunate enough to kill a kangaroo, but it was not until Sunday, the 16th of January, that they reached the spot where they had left the carts, and found everything untouched, except the tarpaulin, which bore evidence of the natives having been there, by a piece having been cut out of it with a tomahawk. The cattle were by this time so weak and lame that it was impossible to use them further, and selecting two of the strongest horses, they started with one cart to seek a supply of flour from the nearest settler, leaving two men in charge of the cattle and the camp. The Murrumbidgee, which was such a difficulty at the outset, was now easily forded on the very spot where they had crossed in the tarpaulin-covered cart. Two days brought them to Mr. Hume's station on Lake George, whence they promptly sent back supplies to the men left behind, and their heroic enterprise was completed.

The poor reward of a land grant of 1,200 acres each, which these men received for an enterprise that gave the most important stimulus to real colonisation as distinguished from mere official occupation, was certainly shamefully inadequate. From a money point of view it did not represent much more than £200, and probably did not cover the expenses they had incurred for outfit and provisions, without any recompense for their loss of time and arduous labours. They were denied payment for the hire of their cattle, as originally promised by Governor Brisbane, and subsequent applications for an extension of the land grant by both of them

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were apparently unsuccessful. Hume's circumstances were not very flourishing, and he was compelled to sell his grant at a very early stage to recoup some of his outlay and to enable him to work his farm. Hovell, who was a man of larger means, in his memorial to the Government asking for further consideration, alleged that his share of the expense of the expedition amounted to about £500, and that he was only able to obtain "a dollar an acre" for his grant, equal to about £260. It is much to be regretted that at a time when the public estate was being lavishly alienated in much less deserving quarters the Government should have acted with such meanness and parsimony towards these pioneers of Australian exploration.

In the reports which were immediately furnished to the Government, the southern portion of the newly discovered territory is described in enthusiastic terms. Hume calls it one of the finest tracts of country yet discovered in Australia; extensive downs, lightly timbered woods easy of access, and abundantly watered by numerous streams. He says these downs extend fully eighty miles E.N.E. to W.S.W., and are quite forty miles in breadth, while around the district they ultimately reached, he calculated there was from eighty to a hundred square miles of country fit for any purpose of agriculture or grazing. In view of Hume's emphatic statement at a subsequent date, it is somewhat inexplicable, and much to be regretted, that in all these reports the goal is spoken of as Western Port by both the explorers. Indeed, the only construction to be put upon Hume's tacit acquiescence, consistent with his veracity, is that the name was used in a general sense, as expressing a district; much in the way that for very many years Botany Bay was understood in England to mean New South Wales, or as later Port Phillip came to be a common designation for the whole of the present colony of Victoria. In any case the misapprehension had a deterrent effect on the settlement of Port Phillip and probably retarded it for several years.

The explorers had gone out to seek a road to Western Port, and were at any rate supposed to have found it; hence all the interest created by the account of the glorious Iramoo downs, the rich pastures and the never-failing streams centred round that often-tried

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and hitherto condemned spot. It was not supposed that any good thing could come out of Port Phillip, for had not Murray and Grimes, Collins and Tuckey alike borne testimony to its barren and waterless shores. It is true that Western Port had not fared much better at the hands of its latest visitors, Robbins and Oxley; but then it was less known and had potentialities. No one had penetrated the lands to the north of French Island, and imagination now dressed them in the soft outlines and verdant garments of the romantic Iramoo plains. The Sydney newspapers, having probably little in the way of live news with which to fill their columns, started a controversy on the pros and cons of the new country. One of them went so far as to declare that it appeared as if the site of Sydney had been pitched on probably the worst spot in the whole continent; another looked to Western Port as the seat of the coming metropolis; while a third sneered at the legends of the fertile plains, and bluntly expressed a doubt as to whether Messrs. Hume and Hovell had ever really encountered the river they made so much of. The controversy, which extended over a good part of 1825 and 1826, kept alive the reports of the rich tracts awaiting pastoral occupation, and they attracted attention farther afield than Sydney. The settlers in Tasmania, who were beginning to find the area of good grazing country already inadequate to their rapidly increasing flocks, turned longing eyes towards the much praised Western Port, with results to be related farther on. But, meanwhile, the experiment of settling that spot was to be made once more at Government expense, and for other reasons than those of the immediate well-being of the community. An ever-present dread that the French Government contemplated the appropriation of some portions of the southern coast of Australia kept the Governor of New South Wales in a continual simmer of anxiety. Sir Ralph Darling, who had just succeeded Sir Thomas Brisbane in the administration of affairs at Sydney, was instructed by the Colonial Office to take immediate steps for forming a post of occupation at Western Port, and another at King George's Sound, in order that any foreign interlopers might be promptly informed that the whole of the intervening territory was claimed by His Britannic Majesty by right of possession. Accordingly on the 9th of November, 1826, H.M.S.

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Fly, under the command of Captain Wetherall, R.N., and the brig *Dragon* sailed out of Sydney Harbour on this mission, conveying a party of twenty soldiers, twenty convicts and a few women, mostly soldiers' wives. The charge of the party was confided to Captain Wright of the "Buffs," aided by Lieutenant Burchell, and Mr. Hovell was attached to the expedition in order that he might point out the desirable country which he believed he had discovered there on his first visit with Mr. Hume. Adverse winds and tempestuous weather delayed them for fifteen days on the voyage, and when on the 24th of November they were working their way through the western passage, they were greatly surprised to see a number of men on the beach of Phillip Island, who were certainly not aborigines, though their European origin was scarcely recognisable under their uncouth seal-skin garments and barbaric surroundings. They proved to be a party of sealers, originally from Tasmania, some of whom had lived on the island for years, had built rude log cabins, grown a little wheat and maize, and secured the companionship of some black lubras from the mainland. The French corvette *l'Astrolabe* had been in the port only a few weeks before, and had remained six days; indeed, the *Fly* must have passed her in the Strait. But the commander informed Governor Darling that his objects were exclusively scientific, and in no way connected with annexation. He took hence with him some sealers who had been deserted by their ship, and who had wearied of the barbaric freedom they were left to. Captain Wetherall, Captain Wright and Mr. Hovell each furnished the Government at Sydney with voluminous reports on the place, and their respective proceedings.

The letter of the commander of the *Fly* to Governor Darling, dated 27th December, 1826, seems somewhat inconsistent with the unfavourable character of his subsequent report. Probably he was captivated on too slight an acquaintance. He says that the harbour is easy of access, without any hidden dangers, the anchorage safe and commodious with good holding ground, well sheltered from the wind, and capable of containing any number of ships in perfect security. The soil is in several places described as rich, the grass abundant, and three miles from the entrance he reports an extensive plain of rich meadows which he has every reason to

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believe occupies a space of at least 10,000 acres. It was impracticable to form the settlement on this fine spot, because the mud flats prevented the approach of the vessels within a mile and a half of the shore; but when, after Captain Wright's careful examination of the whole shore of the bay, the site for the station was fixed close to the point on which the village of Corinella now stands, Captain Wetherall says that nothing could surpass the beauty of the situation, nor the fertility of the soil on which the settlement was formed; while of the climate too much could not be said in its favour, for both in temperature and salubrity it was equal to the finest he had ever met with. In one paragraph he speaks of a range of very high mountains in a northerly direction which Messrs. Hume and Hovell call the Australian Alps, and he goes on to say, "but from a very careful examination of the northern shores of this harbour, and the character of the country differing so materially from the account given by these gentlemen, I feel confident that the expedition undertaken by them never could have reached Western Port". It is equally certain that in no known condition of the atmosphere could the gallant captain have seen the Australian Alps from Western Port Bay, though the outlying Dandenong Ranges loom very large from Phillip Island, thirty miles away.

With such favourable first impressions there was no reason to delay a landing. The spot selected was at the mouth of a small creek in the eastern passage, two miles east of what is now called Settlement Point, though named Red Point by Captain Wetherall, six miles due north of the mouth of Bass River. Here on the 11th of December the soldiers and convicts were landed, tents were pitched, timber huts erected, and bricks were burned for the more substantial edifices in contemplation.

As soon as these arrangements had been completed, Captain Wright returned to Sydney in the *Dragon*, and after reporting to the Colonial Secretary the particulars of his examination, proceeded to condemn the selection of this site in these unequivocal words: "The very small quantity of good land in the neighbourhood of the settlement that I have been able to discover, and the sterile, swampy and impenetrable nature of the country surrounding Western Port, to a great extent, lead me to believe that it does

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not possess sufficient capabilities for colonisation on a large scale". The perplexity of Governor Darling, created by such conflicting accounts, must have been intensified when later on he received the voluminous and elaborate report of Captain Wetherall, in which that gentleman proceeded to demolish the favourable impression which his previous letters had created. "The occupation of the islands cannot be entertained," he says, "on account of the interruption of carriage between them and the surrounding country; the land near the eastern passage is unavailable for commercial purposes from the intricacy of the harbour, the shoalness of the foreshore, and the severity of the western gales which beat upon it; while the western channel offers no shelter for ships, and the swell there is so great that few ships could ride to and no boat live in it." The north coast above French Island had no redeeming features, and the only glimpse of comfort is in the statement that "there is abundance of good land to the eastward, if we may credit Mr. Hovell's last report".

These unfavourable opinions were duly transmitted from Sydney to the Colonial Office, and Governor Darling, while expressing his belief that the situation was not favourable for a penal settlement, refrains from committing himself to a recommendation of its withdrawal, until he is informed of the result of a further examination, then being made by Mr. Hovell, who was probably anxious to redeem his reputation by finding the "Iramoo" downs adjacent. Meanwhile, bearing in mind the military nature of the occupation, Captain Wetherall had cleared a site on a flat-topped hill on Phillip Island commanding the entrance, erected a flagstaff, and had a couple of six-pounder guns from the ship placed in position; over which he formally hoisted the Union Jack, and christened the tiny battery by the imposing name of Fort Dumaresq. He also cleared a track across the island nearly three miles long, and thus laid out the first military road.

Hovell made his first exploration in an easterly direction, towards Cape Liptrap, where he found some considerable areas of good land, but an insufficient supply of fresh water. Like others who had visited the district, he lays great stress on the importance of the valuable coal deposits at Cape Paterson, a site

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where a generation later much Victorian capital was unprofitably sunk in the attempted development of this industry. On his return he made a twelve days' excursion to the north, and succeeded with some difficulty in penetrating to the fine open grazing country which lies between the present township of Cranbourne and Western Port Bay. He made a third start in a north-easterly direction, but soon got entangled in the boggy thickets surrounding the great Koo-wee-rup Swamp, and striking west made his way over the timbered ridges behind Mount Eliza, until he struck the coast of Port Phillip in the neighbourhood of Frankston. In his official report he says he continued "along the coast till near the head of the bay, and having ascertained the spot which terminated the journey of Mr. Hume and myself," returned, keeping "a course about the centre of the range which separates Western Port from Port Phillip" to Sandy Point. The language is ambiguous, probably designedly so, for he might have "ascertained the spot" by looking across the bay at Station Peak directly opposite; but if he intended to imply that he visited and identified the spot, it is of course untrue, as he was not within fifty miles of it by land. The general tenor of his report was not unfavourable. There was abundance of good grazing country, easily accessible, but for the purposes of cultivation and populous settlement he failed to discover a sufficiently permanent supply of good water. Governor Darling, in forwarding Hovell's report to the Home authorities in April, 1827, says that he does so rather with a view of showing what steps he has taken to obtain information about Western Port, than with any idea of the importance of the result. Indeed, generally, he does not appear to have been impressed with Hovell's success as an explorer, and says emphatically that in this district at least his services were of very little value. He concludes by saying: "I have not found any disposition on the part of the inhabitants to settle that part of the country, which, should your Lordship consider that the object of taking formal possession of it has been answered, might be a sufficient reason for withdrawing the persons sent to establish the settlement".

The Colonial Office had, however, acted on the receipt of the previous reports by Captains Wetherall and Wright, and sent out

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instructions to abandon the settlement unless Mr. Hovell's report should be more favourable than those. There appears to have been some conflict of opinion in England as to the desirability of withdrawal, and some distinctly contradictory memoranda were endorsed on the reports by the officials; but practically the matter was left in the hands of Governor Darling to decide. He certainly seems to have misapprehended the general purport of Hovell's report, for it will in no sense bear the construction put upon it by the Governor, who says that "nothing could have been less satisfactory than the information obtained from Mr. Hovell".

Probably the expense entailed in its maintenance had more to do with the withdrawal than the reports referred to, and as the immediate motive for its occupation no longer existed, the fiat went forth for the return of the soldiers and convicts to Sydney. The handful of free settlers who had found their way round to try a life in the wilderness did not care to remain unprotected, and so in January, 1828, the Government sent round the *Isabella* from Sydney, and in a few days all were embarked, and the second official attempt to settle in Port Phillip ended exactly like the first. The live stock were transported across the Straits to Port Dalrymple, and the wild blacks and half-wild sealers remained the only human occupants of the territory.

It is said in Haydon's *Australia Felix* that the settlement consisted of nearly fifty houses and huts, but this must be an exaggeration, as the total number of residents scarcely at any time exceeded from fifty to sixty. More than twenty years after the abandonment remains of the houses were to be seen, and probably some of the original trees planted in 1827 are still growing round the sleepy village of Corinella.

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CHAPTER IV.

CAPTAIN STURT ON THE MURRAY—THE SETTLEMENT OF PORTLAND BAY—MAJOR MITCHELL'S "AUSTRALIA FELIX".

Though the adventurous voyage of Captain Sturt on the river Murray had a more direct effect on the colonisation of South Australia than on that of Victoria, yet it presents many points of interest to the student of the history of the latter colony. With the exception of the flying visit of Hume and Hovell, his was the first expedition that reached the territory from any point but the sea-board, and he traversed for upwards of 200 miles the line which was subsequently decided upon as its northern boundary. The long and really dangerous journey was made under conditions of the most heroic endurance, and was successful in establishing the fact that, despite the dictum of Mr. Surveyor-General Oxley, the waterless desert he had condemned was traversed by more than one fine navigable river. But above all, the remembrance of Sturt's exploits are endeared to Victoria by the high estimate in which his personal character has ever been held. Brave, honourable and gentle, patient under calamity, resolute in action, devoted to duty, he was a high type of a Christian gentleman. Having spent many years of his life in enterprises that frequently exposed him to hostile relations with the aborigines, he was able to say in his old age that on no occasion had a black man, woman or child suffered harm at his hands or those under his command.

Though barely five and twenty years of age when commissioned by Governor Darling on his second journey, Sturt had already enlarged the geographical knowledge of Australia by an exploration to the north-west of New South Wales, in which, after following the Macquarie down until it was lost in a reed-covered swamp, he pushed on over a barren desert and discovered the Darling, though

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unfortunately it was a season of such exceptional drought, and the river was found to be so salt, that he was unable to prosecute his researches.

The instructions which Captain Sturt received from the Government about the end of September, 1829, were to endeavour to trace the Murrumbidgee River as far as practicable. Should it unfortunately be found to terminate, like the Macquarie, in a dismal swamp, he was to endeavour to regain the banks of the Darling, and follow it down to its outlet or termination. As it was certain that some portion of the journey would have to be performed by water, he was furnished with a substantial whale-boat, twenty-five feet long, capable of carrying two and a half tons of provisions besides the arms and ammunition. This boat was loosely put together in Sydney and then taken to pieces, all her planks and bolts marked and numbered and packed into a convenient size for transport by dray. Hamilton Hume, who had accompanied Captain Sturt on his journey to the Darling, and had proved himself an invaluable assistant, was unable to accept the invitation to join him this time, and his place was filled by Mr. George Macleay, a gentleman who was afterwards knighted for political services in the Legislature of New South Wales. With two or three heavily laden drays, a few pack horses and about a dozen trusty able-bodied men, the expedition sallied forth from Sydney on the 3rd of November, and after three weeks' steady travelling amongst the outlying runs of the pioneer "squatters," reached the banks of the Murrumbidgee, a few miles above its junction with the Tumut. Finding great difficulty in following the river course on the south bank, they crossed to the northern side in a roughly improvised punt after the style devised by Hume. Over the dry Riverina Plains, parched and sandy, they made fair progress, passing the sites of the future towns of Gundagai and Wagga Wagga, and encountering numerous bodies of natives, who were generally friendly and ready to give more or less reliable information about the road. As they approached the Lachlan the dreariness of the country grew intolerable, and oppressed them with the belief that they were entering an uninhabitable desert. Desolation and silence reigned everywhere; neither beast nor bird was met with, and not a single blade of grass

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could be found for the cattle. Even the black boy they had brought from Sydney stood aghast at the desolate outlook and absconded during the night. Gradually, too, the indications gained strength that the river sometimes spread out in floods, vast flats of rotten soil covered with dry reeds and bulrushes making the toilsome way under a midsummer sun most difficult and painful. Captain Sturt feared he was going to lose the Murrumbidgee as he had lost the Macquarie, in a formless waste of marsh and swamp. And yet the turbid river flowed on with unabated current and showed no signs in itself of exhaustion. So after a few days more of desperate effort to force the drays through the dense reed beds, and being fairly beaten, the resolve was made to send them back to the frontiers of the occupied country, and to trust to the river and the boat. Promptly the decision was conveyed to the surprised camp, and in four days the historical whale-boat was finished, painted and launched upon the river a few miles below where the flourishing town of Hay now stands. A few days longer were required to construct a second boat to carry additional stores, and a temporary wharf had to be put up for loading them from the drays. The carpenter, Clayton, seems to have been a very competent workman, for the smaller boat was built out of planks sawn from a single tree and entirely prepared by himself. The whale-boat accommodated all the party, carried the arms and ammunition and most of the stores. The skiff, towing behind her, was loaded with the casks of salt meat, a still for condensing the salt water, and the carpenter's tool-chest. Selecting six of the best men as a crew, Sturt and Macleay embarked upon their adventurous journey, and the rest of the party, in charge of Harris, were instructed to remain in camp for one week and then to make their way back to the Goulburn Plains. Here they were to await instructions from Sydney in response to the despatches addressed to the Governor by Sturt, and forwarded in their charge. The boats were cast off at daylight on the 7th of January, 1830, and on the second day, while proceeding easily down with the current, they met with a misfortune, the ultimate result of which greatly aggravated the sufferings. The skiff struck upon a snag and went down in about twelve feet of water. The boat and its contents were recovered after a day's

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hard labour, but the immersion had been long enough to allow the water access to the salt meat, and under the influence of an Australian summer's sun its edible qualities soon underwent serious deterioration. However, there was no turning back, even if the bulk of the meat had to be thrown away; for they hoped for wild-fowl and fish as a supplement to the larder. So they pushed on during the day, bumping over occasional reefs, scrambling through accumulations of logs, camping amongst the reeds on the banks at night, and, according as the stream was strong or sluggish, hoping for a clearer course or fearing the ever-present possibility of the finale in a wide-spreading morass. On the 14th they got into a reach where the river narrowed and the current proportionately increased, while the density of the fallen timber was such that the most continual vigilance was necessary to prevent the boat being dashed to pieces. Suddenly, while all hands were on the defensive, the river took a sweep round the south, and they were shot out on to the bosom of a broad and noble stream with an impetus that carried them to its opposite bank. With exhilarated spirits, and the sense of relief which sailors feel when they have weathered a reef that has been threatening destruction, they gave themselves up to the admiration of the unwonted stream, and for some time drifted placidly down the channel of the finest river yet seen in Australia, to which the name of the Murray was given.

Their progress was now a pleasure-jaunt compared to what it had been, and the only disturbing element was the one of the distance to be traversed, and the prospect of rations holding out for the return journey. The natives began to appear in considerable numbers, following them on the banks of the stream; and although it is certain that they could never have seen white men before, they manifested generally a friendly and inquisitive spirit, in most cases urging the explorers to remain with them. Sturt estimates that he could not have encountered less than 4,000 natives in all on the Murray; on several occasions from two to three hundred were met with at one camp, and although on more than one occasion the most hostile demonstrations were made to oppose their passage, and hundreds of spears were poised ready

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for the final assault, he succeeded by singular tact, firmness and kindness in preventing any actual fighting. It would seem that he had won the confidence and regard of the tribes on the Murrumbidgee, and runners from these had evidently passed on a kind of safe-conduct for him all down the line.

A little over a week brought the explorers to the junction of the Darling, and they devoted a day or two to examining it for a short distance up the stream. The leader had some difficulty in believing it to be the same river which he had discovered in his previous journey so far away to the north. There it was scarcely flowing, and as salt as the sea. Here it had a rapid current, and its sweet waters abounded with fish; yet in the absence of charts, and with only rough calculations derived from natural objects and the lay of the country, he came intuitively to the right conclusion. For a fortnight after passing the Darling they held on a somewhat monotonous course, with alternating hopes and fears. Whenever the river trended to the southward, the vision of an approaching sea-board cheered them on; when it took an unwelcome bend to the north, there would come the doubt whether it was bound for some inland lake in the remote interior. The provisions were getting light, most of the salt meat had to be thrown away, the skiff had been abandoned, wild-fowl were very scarce, and the men would not eat the fish. They were beginning also to show signs of fag. The heat was very oppressive, and they suffered from sore eyes, caused by the perspiration continually streaming down their faces. They passed alternations of high cliffs and bare open plains, stretching to the horizon on the north, until at last on the 3rd of February the river took a permanent sweep to the south, widening into magnificent reaches, and flowing through a broad valley shut in by most picturesque and lofty cliffs. The south-west wind, while it impeded their progress, was a delightful change from the blistering heat of the upper river, and on the thirty-third day from their embarkation they passed out on to the rippling waters of Lake Alexandrina, and saw the faint outline of the ocean beyond the sand hummocks which separate them from the waters of Encounter Bay. The natives again appeared in great numbers on the various points, and seemed determined to resist their landing; but they

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eventually succeeded in finding a safe camping-place for the night, and next morning enjoyed the unwonted luxury of a sail of forty-five miles across the lake, while the men, for the first time relieved from the labour of the oar, gave themselves up to the charm of the fine scenery, and the cool, refreshing breeze. But as they approached the ocean beach, and heard with delight the thunderous roar of the breakers, the channel dwindled and split up into innumerable shallows, crossed by mud-flats and treacherous quicksands. A whole day was spent in endeavouring to haul the boat over these increasing obstacles, the men passing much of their time up to their middle in water, until at length the leader recognised that in their present half-famished and jaded condition, the task was a hopeless one. But he determined not to return without seeing the actual outlet, and in company with Macleay and one man started on foot to walk along the beach to find it. A heavy tramp of seven miles along the sandy shore brought him to the estuary, just as day was breaking. It was something under a quarter of a mile wide, and crossed by a double line of tremendous breakers that forbade all hope of the boat living through them.

Had it been possible to have reached the open sea, Sturt would have preferred to risk the coasting journey in the hope of making Western Port or Launceston, or even to take the chance of falling in with some of the sealing vessels infesting the Straits. But it could not be attempted, and the only other course which for a time he contemplated was to cross the ranges on foot to the Gulf of St. Vincent, where there had been much talk of forming a settlement, in the expectation of finding some ships there. This plan, too, was abandoned for the danger of its ending in starvation, and there was nothing for it but to face the long pull of fully a thousand miles up to the depôt on the Murrumbidgee, against the stream and through all the dangers of hostile natives, which now in their enfeebled condition seemed a gloomy and hazardous prospect. Careful stock was taken of the stores, of which only flour and tea remained; of the former there was enough to give each man a pound per day, if it only took them as long to return as it had to come down with the current. Of this they had not much hope, especially as they had been without any meat for some time, and could not expect to

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put forth the same vigour. The start was effected under exceptionally favourable circumstances, a strong south-west breeze enabling them to crowd as much canvas on as the boat would bear, and at sunset on the first day they were well into the mouth of the river with a record of a good sixty miles. The next day and part of the third they were enabled to sail, but after that, as they got into the river valley with the high cliffs above them, there was nothing for it but the oars, and Sturt and Macleay shared with the men the arduous hourly spells. The heat was terrible, and the river had fallen so much since they passed down that they were continually grounding on the sand banks, reefs or sunken logs, involving a frequent getting in and out to haul the boat over. The natives, too, were persistently troublesome and officiously meddlesome, always trying to prevail on the travellers to stop when breaking up camp, and often wantonly obstructing their progress by crowding into the narrow shallows. Seeing how fierce were their demonstrations, how often their spears were aimed at the boat party, and how overwhelming were their numbers, it seemed almost inexplicable even to Sturt how he escaped outrage and robbery. And yet, notwithstanding the frequency with which they seemed to be on the brink of a general massacre, not a shot was once fired in actual fight. Indeed, on one occasion the natives exhibited an amount of good feeling and consideration for which the voyagers were quite unprepared. The boat had encountered a shallow, rocky rapid, against which the whole force of the crew was unable to make any headway. After being driven back more than once, all hands got into the water, which was up to their armpits, with a very uneven bottom, and grasping the gunwale and some short tow-ropes were straining every effort to breast the rapid. Suddenly they became aware of a large tribe of natives lining the bank armed with spears and ready for the fray. They were utterly at the mercy of the blacks, for apart from their encumbered position, it was pouring in torrents of rain and their guns were useless. Whether the alarm which they must have felt affected their strength, or whether the task was really beyond them is not known, but their united efforts failed, and they stood in the water clinging to the rocks, powerless and exhausted. At this juncture the interest of the natives in the

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proceeding overcame any feeling of hostility they may have entertained, and they cheerfully volunteered assistance, pointing out the proper channels, vigorously using their spears as punting-poles, and with a well-organised rush soon overcame the resistance of the stream. After this excitement the toilsome and monotonous days rolled by, tugging at the oar from daylight till dusk, refreshed only by a limited supply of damper and sugarless tea, worried by the natives when they camped, and robbed of their hard-earned rest by the necessity for night watches, until at length, fifty-five days after they had left it, they once more entered the mouth of the Murrumbidgee. The narrow channel, with its overarching trees, its tangle of snags and driftwood, and its wall-like banks of reeds, was a new variety of trouble, but it was welcomed as an indication of nearing home. It took them a fortnight of laborious progress before they reached the spot where they had embarked; here they found nothing but the wheel tracks of the homeward-bound drays, and their long cherished hopes of a substantial meal were cruelly shattered. The most gloomy anticipations took possession of the men, who thought they had been abandoned to starvation, and their leader, looking round upon the haggard faces and emaciated forms of his crew, was grieved to the heart that he had to insist on a continuance of their severe and unremitting toil. Everything seemed against him, for heavy rains continued to fall, and the Murrumbidgee rose six feet in one night, producing so turbulent a current against them, that from two to three miles a day was often the poor result of their exhausting labour. The fast-failing supply of flour was eked out with an occasional swan or wild-duck, and ragged, despondent and half-starved they struggled bravely on for seventeen weary days. Then, when the last stages of exhaustion were reached, and it was impossible to make headway against the current, when all were more or less prostrate, and one of the men had lost his reason, they pitched their camp on Hamilton Plains and decided to abandon the boat. Two of the strongest men volunteered to make their way by land to Wantabadgery, estimated to be nearly eighty miles distant.

Meanwhile, the remainder of the little band sought what rest they could in their half-famished condition, and at the end of six

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days of anxious waiting the last ounce of flour was served out, and they felt that without some outside succour the end must come. On the seventh day the men returned, having found Harris with the drays and relief stores. They brought horses and some provisions in the dray, and in a few hours the crisis was past. The explorers were literally snatched out of the jaws of death, and about a month later they re-entered Sydney after one of the most trying expeditions recorded in the annals of Australian exploration.

Even at the time when Captain Sturt was wrestling with the difficulties of unknown river navigation, two or three small schooners, mostly built in the yards of the Griffiths in Launceston, were cruising about the southern coast of Victoria, catching whales when the season was on; hunting seals on the rocky islets, or buying their skins and occasional kangaroo hides from the half-wild trappers infesting some of the secluded bays, whose advent would often be found to be coincident with the disappearance of some of the missing convicts. Amongst the hardy mariners who initiated this trade were William Dutton and John Griffiths, both natives of New South Wales, but living in Launceston, and the brothers John and Charles Mills, both born in Launceston. Captain John Mills lived for many years to preside officially over the coast he was one of the first to visit, for until a comparatively recent date he was harbourmaster at Port Fairy, under the Victorian Government.

Mr. William Dutton had so strong a conviction of the profitable business to be done in whaling, that he determined to form a depôt on the coast, where he might carry on his operations unmolested, adjacent to the catching-ground. He had for a year or two been an occasional sojourner on these coasts, and probably had no intention of being a pioneer settler, whose lead was to be followed by an intrusive multitude. Doubtless he kept his destination pretty much to himself, and in the selection was actuated more by commercial than by colonising instincts. Nevertheless, he became, by chance, the first permanent settler within the confines of the colony of Victoria, for in 1832 he was already established in his whaling station, at Portland Bay, and had built a decent cottage for himself and rough huts for his men, of whom there

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were sometimes from twenty to thirty. The whaling season, which lasted from April to October, was generally a very busy time, as many as fifty whales being sometimes secured within the six winter months. When with the advent of the hot weather the whaling season came to an end, the men devoted their time to stripping wattle bark, cutting timber, and exploring the various inlets about the coast. To this busy but isolated camp of industry came in 1833 the avant-courier of a family who were destined to leave their mark on the new country, Mr. Edward Henty, who, according to Dutton's own statement, was hospitably entertained by him, and shown without reservation the advantages and possibilities which the place possessed.

The story of the Henty family is widely known, for it is of enduring interest to all Victorian colonists. The advent of the sturdy and enterprising farmer and banker, and his seven stalwart and capable sons, with his considerable capital and comparatively large retinue of servants and followers, was a distinct gain to the community. His treatment by the Government was curt and ungenerous, to say the least of it, and few will now venture to affirm that the family claims met with a just settlement. Mr. Thomas Henty on his Sussex farm had a flock of pure merino sheep, a breed at that time attracting great attention in New South Wales, and the purchase at a high price of some of his fine stock for exportation to Australia first directed his attention to that country. In the year 1828 he made up his mind to emigrate, and tempted by the favourable report then just published of the proposed new colony at Swan River in Western Australia, and the promise of extremely liberal land grants, he selected that place for his destination. Accordingly he despatched three of his sons—James, John and Stephen—as an advance guard, and they landed at Swan River from the barque *Caroline* in October, 1829, with ten horses, ten head of choice cattle, 180 pure-bred merino and South Devon sheep, and upwards of forty servants and workmen, with all the necessary material and implements for housing them and carrying on extensive farming operations. The result was a serious disappointment. The value of the property they had brought to the colony entitled them by the Government regulation to 84,000

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acres, but after the most careful examination of the country for hundreds of miles round, they were reluctantly compelled to the conclusion that they must incur the great expense and risk of removing their stock to some more promising locality. It was no hasty decision thus arrived at, for nearly two years were spent in wrestling with the wilderness. The sandy wastes, the dense, worthless scrub, and the deceptive herbage in which poison lurked, were playing havoc with their valuable stock; so having duly advised their father of their intention, they made arrangements for transporting the entire establishment to Tasmania in 1831. The delay cost them more than they could have imagined, for had they arrived a few months earlier they would have been able to transfer to that colony their extensive and valuable rights of pre-emption; but new regulations had just been issued abolishing the system of granting land in proportion to the property of the settler, and fixing the price at not less than five shillings per acre. Mr. Thomas Henty, with his wife, daughter and three other of his sons, Charles, Edward and Frank, sailed from England in October, 1831, by the *Forth of Alloway*, and arrived in Launceston to learn that his well-grounded anticipations of a substantial estate in the new world had no prospect of realisation. His expenditure of over £10,000 in the attempt to form a home for his large family had left him landless and embarrassed. A year soon slipped away in tedious negotiations with the Government for some concessions and in laying the foundations of a home at Launceston. Early in 1833 Mr. Edward Henty was sent by his father to inspect and report upon the character of the Southern Australian coast, and he made a voyage to Spencer's Gulf in the barque *Carnarvon*. He spent a couple of months unsuccessfully in search of suitable country, and at Port Lincoln was fortunate enough to secure a return passage in the schooner *Thistle*, which had called in there *en route* from Swan River to Launceston. On this trip the schooner anchored in Portland Bay, and Mr. Henty was delighted with the appearance of the little whaling station and its suitability for a town. He made another visit there a few months later in the schooner *Elizabeth*, spent a week or two in exploring the country for a considerable distance round, and then returned to

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Launceston with the announcement that he had determined on Portland Bay as the most promising site for a settlement he had yet visited. But the father, hoping against hope, could not bring himself to abandon his 80,000 acres at Swan River without one more effort, if not to utilise it himself, at least to get something in exchange for it. His son Stephen was still there winding up the Western Australian venture, and trying to realise on the débris; so the veteran pioneer, then nearly seventy years of age, persuaded his son Edward to defer his final decision until he should have looked upon the place that had swallowed up so much of his capital. Accordingly the father and son sailed westward in the *Thistle*, calling at Kangaroo Island, landing in Spencer's Gulf and some promising looking bays along the coast, and finally reached Swan River, where they were soon satisfied of the reliability of all the unfavourable reports which had reached them. On the return voyage the attractions of Portland Bay again lured them ashore, and a brief survey convinced Mr. Henty that his son had made an excellent choice. They returned to Launceston, and, having engaged the *Thistle* for a long charter, proceeded to load her up with provisions, building materials, agricultural implements, live stock and the household necessaries that were to convert the dimly apprehended wilderness into a veritable and permanent home. At eight o'clock in the morning of the 19th of November, 1834, after a tedious and stormy passage, the anchor of the *Thistle* plashed in the waters of Portland Bay, and Mr. Edward Henty relates, with pardonable pride, that by one o'clock he had safely landed thirteen heifers, four working bullocks, five pigs, two turkeys, two guinea-fowls, six dogs, a plough, a complete outfit of seeds, plants and cuttings, a fishing boat with a seine net, four men-servants and a friend. He pitched his tent on a pleasant green flat between the two jetties, he found fresh water by digging, and he commenced his colonising career with the appurtenances of a substantial capitalist, though in the eyes of the Government he was a contumacious trespasser. Meanwhile, the *Thistle* went to and fro. Within a month she was back again with stores of provisions, some sixteen head of cattle, about eighty well-bred sheep and a variety of poultry. With them, too, came Mr. Francis Henty and some more

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labourers for the vineyard. During the month much hard work had been got through; building, fencing and planting had progressed rapidly, the buds of vines and fruit-trees were beginning to swell, and the kitchen garden gave promise of favours to come. But while attending to the requirements of their home comfort on shore, they did not neglect arrangements for the pursuit of the recognised and already well-established industry of the place—whaling.

As soon as the summer season was over, Mr. Francis Henty crossed again to Launceston, to secure additional capital and material for developing that profitable trade, and he found the town in a ferment over the projected expedition of Batman to Port Phillip. Having completed his arrangements, he started back to Portland in October, 1835, and the sloop in which he was a passenger called in at Port Phillip to land some stock at the Indented Heads. According to Mr. Stephen Henty's narrative as supplied to Governor Latrobe, his brother Frank on this occasion fell in with some of Batman's party, who were waiting a chance of getting farther up the bay, and proceeded with them to the Yarra, where he remained a fortnight, a witness of the incubation of the settlement hereafter to be called Melbourne, then the unnamed arena of the bloodless battles of the rival factions represented by Batman and Fawkner. He then pursued his voyage, and reached Portland once more about the middle of November. Meanwhile, word had gone round to the Swan River that the Hentys had found a place of sojourn, and Stephen was glad to quit the dreary solitudes of that apparently unfruitful and utterly collapsed locality, and to throw in his lot with his brothers at Portland. Passenger ships were few and far between in those days, so he purchased a small craft of sixty tons, called the *Sally Ann*, and as the captain was unfortunately drowned by the upsetting of a boat in King George's Sound, he had to undertake the navigation himself, with only such knowledge of it as an intelligent and observant layman may pick up on a long sea voyage. At any rate, he had sufficient confidence in himself to become responsible for the safety of his newly married wife and their small crew. The result justified his self-reliance, though he did overshoot his mark, and mistaking Cape Otway for Cape North-

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umberland made his way into Port Phillip before he discovered the error, which he promptly rectified, and anchored off his brother's station early in June, 1836. Here soon afterwards they were joined by Mr. John Henty, and for about six years the four brothers worked in an amicable and moderately prosperous partnership in grazing, whaling and wool-growing.

The other three brothers remained in Tasmania. William, the last to arrive from England, who was a solicitor by profession, entered the local Parliament, and became Chief Secretary and Treasurer of that colony. Charles was manager for many years of the local branch of the Bank of Australasia. James, who started in business as a general merchant, soon became one of the most prominent commercial figures in Launceston, until in 1851 he transferred his field of operations to Melbourne.

To the four enterprising young men (for Edward, the senior, was then only twenty-five) who had presumed to squat without leave on this out-of-the-way portion of his Britannic Majesty's dominions, came, in August, 1836, the apparition of half a dozen somewhat ragged, but evidently well-armed, horsemen, stealing round from the shelter of the hills with their weapons ready for action. The only musket which the settlement possessed was loaded with buck-shot, and a hurried consultation was held as to whether they should barricade themselves against the bushrangers or surrender at once. An exchange of greetings at a respectful distance dispelled the respective suspicions, and the supposed bushrangers were found to be Major Mitchell, the Surveyor-General of New South Wales, and a small contingent of his expedition, the main body of which was camped some fifteen miles inland, on its return journey to Sydney. The Major was greatly surprised at the evidences of permanent settlement which he found, and in return for his hospitable reception and the liberal contributions made to his stock of provisions, he informed the brothers of the splendid grazing lands he had discovered on the Wannon and the Glenelg, within easy reach of their present homestead. As soon as he was gone the Hentys commenced to explore the country inland, from which they had been hitherto cut off by the thick timber. They cut a track through the forest to Mount Eckersley, and on the 3rd of August

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in the following year they drove their first flock of sheep on to the rich pastoral country known as Merino Downs, a property held by Mr. Francis Henty, through many vicissitudes, to the time of his death in 1888. The day was a memorable one to Stephen Henty as being the birthday of his son Richmond, the first white man born in this settlement, though he was preceded by two months by an infant who saw the light on the banks of the Yarra. From this time forward, as far as their own energy and foresight could ensure it, the brothers throve and their flocks and herds increased apace. When they terminated their partnership in 1842, Edward settled on Muntham, long celebrated as one of the finest properties in the western district. Francis took possession of Merino Downs; John held a station called Sandford, adjoining the subsequent town of that name; and Stephen took the property at Portland and the business attaching to it. All the stations were well stocked with choice sheep, and nothing was wanting to ensure fortune but some recognition by the Government of their right to acquire the land which they had incurred such risk and expenditure to redeem from the wildness.

The protracted negotiations which the family had with the Government on this subject commenced almost immediately after their arrival in Launceston, and extended over more than ten years before they were brought to conclusion by a somewhat undignified and inequitable compromise. Having failed in his effort to get any allowance in Tasmania for the surrender of his extensive area in Western Australia, Mr. Henty forwarded, through Governor Arthur, in February, 1834, a memorial to the Colonial Secretary, setting forth the heavy losses he had incurred in the Swan River venture, the active and useful part which his family had taken in exploration and discovery on the mainland of the Australian continent, and the plight in which he found himself by the unexpected alteration of the land regulations in the colonies. He abandoned the idea of a free grant, and recognising the established price of five shillings per acre, which had been fixed in Tasmania, asked to be allowed to purchase at that rate 2,500 acres for himself and an equal area for each of his sons, on such portion of the south coast between the 135th and 145th parallels of east longitude and under

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such restrictions as the Government might prescribe. The only concession he asked was that, in view of the great expenditure he had already incurred and still further to be faced, the Government would accept a deposit of 5 per cent. of the purchase-money and allow him ten years to pay the balance, which was meanwhile to be secured by mortgage and to bear interest at the rate of 5 per cent. per annum. As an indication of his *bona fides*, he proposed, on the acceptance of these conditions, to surrender to the Crown the 84,000 acres to which he was entitled in Western Australia. Seeing how universally the principle of deferred payment for the purchase of Crown lands, even without interest, has been adopted by Colonial Parliaments, it cannot be said that there was anything unreasonable in this proposal. Governor Arthur undoubtedly favoured it as strongly as his official position would allow him. He ventured to say in his despatch to the Colonial Secretary that he thought it most desirable the country indicated should be settled. It was fertile and well watered, within easy reach of Launceston, and offered a prospect for the extensive development of sheep breeding which might soon render Great Britain independent of the Continental supply of wool. He was outspoken enough also to say that he thought the respectability, the enterprise and the misfortunes of the applicant deserved the generous support of the Government.

It was evident, too, from the tenor of his despatch, that he was not without some expectation of extending the sphere of his own importance by acquiring a sort of supervision of the proposed new settlement, as an appanage of Tasmania, though some of the reasons assigned are not such as Victorians would readily endorse. He politely offered his services in that direction, if acceptable to the Government, promising to see that all necessary measures were taken for making the occupation a means to secure the protection and promote the civilisation of the aborigines. But neither the equity of Mr. Henty's claim nor the bid for the support of Exeter Hall availed anything. The memorial was met by a formal expression of regret that Sir George Grey saw no sufficient grounds to warrant the admission of the claim.

Meanwhile Mr. Henty, having probably realised from the

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obstructive attitude of the New South Wales authorities towards the men who were seeking permission to settle in Port Phillip that there would be much opposition to overcome, had sent his son James to England to push his claims. This he did most vigorously in the latter part of 1834, by letters and petitions to the Honourable T. Spring Rice, then Colonial Secretary, but his efforts failed to meet with any success. In March, 1835, the Earl of Aberdeen having then come into power, the application was again renewed, this time through the agency and with the support of Mr. Henty's former neighbour and friend, the Earl of Surrey. That nobleman boldly assured Lord Aberdeen that, while all these tedious negotiations had been going on, Mr. Henty had found it impossible to stand still, and had actually formed his settlement in full reliance on justice being done to him, adding, "the die is now cast, and Mr. Henty must abide the result of his scheme, whether the Government choose to protect him or not. Of this he cares little, as he is determined to run the risk of being protected; but what he requires of the Government is that in the event of the district in the neighbourhood of Portland Bay ever becoming a Government Colony, they will protect Mr. Henty in his priority of settlement; that is, they will not disturb him, but will confirm his possession against any new-comer." To this Lord Aberdeen replied that he could not with propriety encourage a proposal that was not only at variance with the conditions for the disposal of the waste lands of the Crown in Australia, but also involved the occupation of country far beyond the limits to which settlement was restricted. He referred to the fact that his predecessor in office had already refused to entertain Mr. Henty's application, and expressed his great surprise at the daring step which that pioneer had taken, instead of calmly waiting until the authorities decided that the country was ripe for occupation. He declined, therefore, to give the pledge which Mr. Henty required, but, as a sort of mild solatium for the displeasure he had felt called upon to express, he added: "Although I am not prepared to say that Mr. Henty's pretensions to any land, actually brought into cultivation by him, and surrounded by a proper fence, would not be favourably looked upon by His Majesty's Government at a future period, should the increase of the population of New South Wales,

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or other circumstances, extend the settlement of the territory to the quarter where Mr. Henty may have established himself". It was not much, certainly, but it was the first qualification of an absolute refusal, and on this slender thread of encouragement the Henty family was fain to rest until some attempt should be made to disturb them. Probably they were not justified in the expectations with which it animated them, for the promise, if such it could be called, was extremely guarded, and the disapproval was unequivocal. It was all, however, that the founder of the family ever had to look forward to as the recompense for his large expenditure and courageous enterprise, and he was spared the *dénouement*, for he died in October, 1839, when everything, except the unsettled question of his tenure, was prospering with all his sons.

The year after the death of Mr. Henty, the Government of New South Wales, having caused a township to be surveyed at Portland Bay, intimated their intention of offering allotments for sale in Melbourne, in entire disregard of the holdings of the Henty family. This necessitated renewed demonstrations, and this time the brothers addressed Sir George Gipps in Sydney, setting forth that, relying upon the implied promise of Lord Aberdeen, they had erected two substantial houses, one of them of twelve rooms, and a number of minor buildings, had fenced in one paddock of 135 acres, most of which had been cleared and grubbed at a cost of £25 per acre and was then under crop, and had altogether spent from £8,000 to £10,000 in buildings, fencing, clearing and improvements, which included the formation of roads, and the building of bridges for the general convenience of the district. Notwithstanding these admitted facts, and the further important one that they had in their employ no less than fifty-three persons, all free servants and labourers, decently housed and fairly paid, the Executive Council at Sydney failed to "perceive any grounds on which the case can be distinguished from those of other unauthorised occupiers".

Sir George Gipps even went further, for in a despatch sent to the Secretary of State in April, 1840, enclosing a copy of this latest appeal, he says that so far from admitting that the Messrs. Henty had done good service by opening up a country which might otherwise have remained unoccupied for many years, he looked

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upon it as the reverse of an advantage. He regarded the dispersion of population as a most objectionable feature in a new country, and blamed these troublesome people for having forced him to incur unnecessary expense in the formation of a new establishment, the laying out of a town, where he apparently assumed one was not wanted, and the organising of a police force for such an outlying district. It is a remarkable feature of early Australian history that the official mind has always been incapable of recognising the true principles of colonisation, and has nearly always been found in hostile array against them. It is to be regretted that even Lord John Russell entirely concurred in the remarks of Sir George Gipps, and baldly declined to entertain the petitions of the brothers.

The land sale therefore had to go on, and the Messrs. Henty had to compete at extraordinarily high prices for the property to which value had been given only by their own industry and expenditure. The sale took place in Melbourne on 15th October, 1840. Twenty acres of building sites in the town realised at the rate of £551 per acre. Fifty acres of suburban areas in small lots produced £64 per acre; and 267 acres within two miles of the town, fit for agriculture, sold for £11 7s. per acre. Seeing that the whole population of the town was under 100, of whom about half were in the employ of the Messrs. Henty, and that the nearest Government township was 150 miles distant, these prices are astounding. They were mostly paid by Melbourne speculators, who within a year or two afterwards could not have realised one quarter of their cost; but the Government secured the handsome sum of £17,245 from the first sale of a portion of the district, which Sir George Gipps had a few months before been denouncing as a source of unnecessary and annoying expense. Eighteen months after the sale the Government commenced active proceedings to eject the Messrs. Henty from some of their holdings in the town, but through the intervention of Mr. Latrobe a cessation of hostilities was agreed to while the interminable process of petition and memorial was resumed; and this time the seed fell, if not upon fruitful soil, at least upon less stony ground than it had hitherto reached. Lord Stanley was then in power, and in May,

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1842, he unhesitatingly expressed his opinion that Lord Aberdeen's letter contained an implied promise which justified him in overruling former decisions on the claim, and allowing the Messrs. Henty a pre-emption of such lands as came within the conditions at the amount which they would then realise if still in a state of nature. Long delayed as was this concession, it took nearly three years more of departmental correspondence before the matter was finally settled. In August, 1846, the final decision was ratified, and the Messrs. Henty received some eleven acres of town land at £100 an acre, and were allowed to take up about 120 acres on their Wannon stations, at twice the established minimum price, namely £2 per acre. A matter of £350 was awarded them for improvements wrongfully sold and damage to their property, and thus about £1,750 represented the vital question over which four or five Ministers of State and as many Colonial Governors had darkened counsel in voluminous despatches, and which left a worthy family smarting under a long sense of injustice. The necessity for following to its termination this huckstering episode in the relations between the Government and the first Victorian settlers has carried the history beyond the period of the founding of Melbourne. Before proceeding to narrate the incidents which led up to that event, it will be desirable briefly to note the discoveries which were being made in the interior of the country at the time when the Messrs. Henty were founding their experimental post upon its southern shores.

The glowing accounts of the pastoral capabilities of the verdant plains, which had spread far and wide on the publication of Hume and Hovell's discoveries, and the succeeding interest raised by the account of Captain Sturt's adventures on the great water-ways which gave access to the vast interior, had fanned into a flame the colonising instinct of the pioneers, who were already feeling cramped in the limited area of Tasmania and the recognised settled districts of New South Wales.

But the mania for taking up new country received its greatest impetus from the triumphant exploration of the most fertile portion of the country, the rich and well-watered western district, by Major, afterwards Sir, Thomas Mitchell, then Surveyor-General of New

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South Wales. The roseate pictures drawn by him of the beauty, the fertility and the salubrity of the country, which he enthusiastically named "Australia Felix," attracted the attention not only of those on the spot, but created quite an excitement in England when his volumes were published in London a year or two later.

The object which Sir Richard Bourke had in view when he commissioned Major Mitchell to undertake the journey is set out in his despatch to Lord Glenelg on the 15th of March, 1836, in which he says: "He is instructed to finish tracing the Darling, and upon reaching the Murray, into which there is little doubt the Darling falls, to return by the Murray to the located parts of the colony. Sturt, it will be remembered, entered the Murray from the Murrumbidgee, and no part of the former river above that junction has been traced, unless it should have happened that Messrs. Hume and Hovell crossed upon it in 1824. If the instructions with which the Surveyor-General is furnished be successfully executed, a considerable addition will be made to the geography of the colony in the direction which it is most useful to explore. There is reason to believe that the country on both banks of the Murray, and generally between the Australian Alps and the Murrumbidgee, contains fine pastoral tracts, well watered by streams issuing from those mountains whose summits in one part are usually covered with snow. The eastern side of these mountains is already celebrated as an admirable grazing country. The downs near Port Phillip have lately become well known for the excellent pasture they afford to sheep. The course pursued by Hovell and Hume in 1824 discovered a great extent of rich land. The general feature and character of the vast extent of country contained within the course of the Murrumbidgee and the sea, from Lake Alexandrina by Wilson's Promontory and Cape Howe to the 35th parallel of latitude in the eastern coast of New Holland, may be in a great measure finally determined by the expedition." It must be admitted that the Governor's ideas were liberal in the matter of space, for the whole area of the colony of Victoria was embraced in only a portion of the country to be examined.

The party which Major Mitchell commanded consisted of twenty-three men, including an overseer, a medical attendant, a botanist and

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a collector of birds. They were provided by the Government with a substantial outfit, on very different lines to the parsimonious treatment of Hume and Hovell: a large number of bullocks, horses, drays, waggons, boats, and abundance of stores, arms and ammunition. Indeed, this expedition differed materially from any of the preceding ones, in that it was made almost a picnic, a real pleasure-jaunt in comparison with Sturt's record of privation.

They started from Sydney early in March, 1836, and after exploring the lower waters of the Lachlan, the Murrumbidgee and the junction of the Darling, exploits which pertain to the history of New South Wales, they proceeded up the Murray, and finally crossed into Victorian territory on the 13th of June, a few miles below the junction of the Murrumbidgee. Had they attempted to strike due south to explore the country towards Port Phillip, they would soon have become entangled in the dense mallee scrub that gives such a forbidding aspect to the desert-like north-west counties, and the report on the new-found country might have been couched in very different terms. Fortunately they clung to the river bank as far as Swan Hill, which they reached at the end of the first week. Here they struck the Loddon River, erroneously supposed by Mitchell to be the Goulburn, and following it up were soon led out of the mallee solitudes into more open country, diversified with fine park glades, well watered and richly grassed, the finest country they had seen since leaving the settled districts.

They continued up the river until reaching the site of the present town of Kerang, and then deserting it for a creek which led across the Goulburn Plains, made for a bold hill which the Major named Mount Hope. After surveying the lay of the country from its summit, they pushed on a few miles farther to Pyramid Hill, and from this eminence Mitchell began to realise the importance of his discovery. "The view," he says, "over the surrounding plains was exceedingly beautiful, as they shone fresh and green in the light of a fine morning. The scene was different from anything I had ever before witnessed, either in New South Wales, or elsewhere, a land so inviting, and still without inhabitants. As I stood, the first intruder on the sublime solitude of these verdant plains, as yet untouched by flocks or herds, I felt conscious of being the

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harbinger of mighty changes there; for our steps would soon be followed by the men and the animals for which it seemed to have been prepared."

Starting from Pyramid Hill in a south-west direction he recrossed the Loddon, which was in high flood at the time, and so continued on for several days, crossing in turn the Avoca and the Avon Rivers, and passing through a country every acre of which to-day is in profitable occupancy by a well-to-do class of selectors, who are liberally fulfilling Mitchell's prediction that "these fine lands are certain to become at no distant date of vast importance to a new people".

On the 13th of July, the grand rugged mass of the Grampians being in full view, the Major resolved to make an ascent of one of the highest peaks, with a view of testing his surveying instruments, and obtaining data for the construction of his map. He left the party encamped in a grassy meadow near the Richardson River, which he named after the botanist, and taking six men on horseback with him, started for the peak, which he named Mount William, in honour of the King. Then their course took them right across the site of the rich goldfields of which the town of Stawell is the centre, and necessitated their crossing the upper reaches of the Wimmera and its numerous tributary creeks from the west. On the afternoon of the second day they reached the foot of the mountain, and having secured a camp for their horses, started the arduous climb. As they neared the summit, high perpendicular cliffs and huge precipices of sandstone tried their strength and courage, and to add to their difficulties a drizzling sleet made the foothold slippery, and covered the rocks and shrubs with icicles. When at length they gained the summit they found it a huge block of naked sandstone rock, encrusted with icicles and hoary under the beating of innumerable storms. It was within half an hour of sunset, and the view was entirely obscured by driving mists. With scarcely any food, no wraps, and no possibility of shelter, it seemed like madness to think of passing a severe midwinter night on this bleak spot, but the toilsome ascent had been waste of time and energy if they returned, and Mitchell resolved at any cost to await the chance of a morning survey from such a vantage-ground. The

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night was a miserable one, for although they succeeded in kindling a small fire of twigs, so intense was the cold that the sticks had icicles on the one end while the other was frizzling in the fire. At six o'clock next morning the clouds rolled off the mountain top, and the Major mounted the frozen rock. But though temporarily clear on the summit, everything below was blended in one dull grey, and as the sun rose amidst red and stormy clouds, the white mist rolled over the plains, and hid all but occasional isolated hill-tops. Through the rifts he had momentary glimpses of a level open country stretching away southward toward the sea; which gave him confidence in being able to continue his journey without any serious impediment. But the clouds began to encompass them again, and the bitter wind drove them from the summit without completing the technical survey. The descent, a matter of some danger from the rocks being encrusted with ice, was made in three hours, and at the camp where they had left the horses they thawed themselves before a huge fire, while they ravenously made up for their eighteen hours' fast. Mitchell was greatly impressed with the wild grandeur of this mountain chain, and in his narrative discourses at some length the principle upon which names should be given to great natural features by discoverers. He could not learn the native name, and having called the peak he had ascended after his sovereign, he did not feel that he could give the name of any individual to the whole range, so he christened them the Grampians.

The general character of the country on the eastern side of the range was so soft and marshy, and so intersected with innumerable creeks that the progress of a party with so much ponderous travelling gear was difficult and tediously slow. On rejoining his camp, therefore, Mitchell resolved to keep to the north of the Grampians, and to work down towards the coast on their western slope, rather than risk the possibility of his progress being checked by the apparently formidable barrier of the Pyrenees. On the 17th of July the camp on the Richardson was left, and they struck due west, and on the third day were on the plains eight miles to the north of Mount Zero, which the leader ascended for surveying purposes. There had been some difficulty in getting all their impedimenta over the

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numerous branches of the Wimmera River, but the country generally was sound, fairly level and easy travelling. On the 23rd of July the Major reached his farthest westing, having been attracted thereto by the singularly abrupt and picturesque mountain which he called Arapiles. From its summit he counted twenty-seven circular lakes, which proved to be salt. He was greatly puzzled by the disappearance of the Wimmera River, which he had taken for granted must fall into the sea somewhere between Cape Northumberland and the mouth of the Murray, but the valley through which it was expected to flow could not be discovered from any hill-top. Many years later the discovery was made that this mysterious river, with its great volume of swirling waters, never attempted to reach the sea, but was swallowed up by some underground channel that absorbed it after entering Lake Hindmarsh. But baffled in his efforts to locate its course the Major abandoned the pursuit, and turning towards the south-west made for the coast. On the 31st of July he reached the banks of a fine river fully 120 feet wide and some 12 feet deep. As its course was south-west, and it seemed to offer every facility for navigation, he launched his boats upon it, and christened it the Glenelg, after the Colonial Secretary of the day. A single day's experience, however, of complicated channels, accumulations of snags, dense overgrowth of bushes, and an occasional rocky fall, convinced Mitchell that the progress would be infinitely slower and more tedious than by land, even though the drays sank up to the axles in the black rich loam. Accordingly, leaving the river near the site of the present town of Harrow, he continued a south-west course over the soft undulating country, full of running creeks, until he struck the Glenelg again, near Casterton, and after crossing and naming the Wannon River on the 11th of August, followed the main stream down for a week over an open, richly grassed country, where the travelling was luxuriously easy. On the 18th of August Mitchell formed a camp on the river just below the site of the town of Dartmoor, and embarked sixteen of his men in the two boats with the intention of navigating the river to its outlet. For the first ten miles or so the river flowed south, a broad and placid stream, then it took a sharp bend to the west and so continued to its mouth. The scenery greatly charmed the explorers

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—smooth grassy banks and bright shrubs festooned with brilliant creepers alternating with picturesque limestone cliffs out of which cascades were flowing from cavernous recesses glittering with stalactites. The breadth of the stream had increased to over a hundred yards, and the Major declared it to be the finest body of fresh water he had seen in Australia. Would it justify the richness of its promise by developing an outlet worthy to be the harbour of so richly fertile a region? Alas! the next day decided the question in the negative. The inevitable sandy bar that closes the mouths of all Victorian rivers was there, and while there was four fathoms of water in the stream within sight and sound of the thunderous breakers that stretched their white line of foam across the outlet, it dwindled to about two feet on the bar, and dissipated all hope of access to the verdant interior by this route. After careful noting of the position, Mitchell returned to his camp in two days, and on the 23rd started due east on his homeward route. On the 28th of August, being only about fifteen miles to the north of Portland Bay, he determined to give the party a day or two of rest, and rode down to that station, accompanied by a few men on horseback. He was greatly surprised to find here a number of huts, a brig at anchor in the bay, and a small industrious community hard at work under the direction of the Henty Brothers, whose first impression, already narrated, was that the explorers must be bushrangers. Mutual explanations soon cleared away all suspicions, the visitors were hospitably entertained, and returned to their camp after a day's sojourn with some additions to their stock of provisions.

On the 2nd of September the homeward journey was resumed in a north-east direction, following for a large portion of the distance the route now taken by the Portland and Ararat Railway, passing over the sites of the present towns of Hamilton and Dunkeld. On the 17th it was decided, in consequence of the exhausted state of the cattle from the heavy dragging in soft ground, that the party should be divided, Major Mitchell taking the freshest cattle and the lightest equipment and pushing on for the Murray, from whence, if necessary, he could send back supplies, while the remainder should camp where they were for two weeks to recruit. With diminished impedimenta the rest of the journey was very

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easy work, and the route taken crossed the Pyrenees, near Lexton, and passing over the sites of Newstead and Castlemaine brought him to the foot of Mount Alexander, which he ascended and named Mount Byng. From this point of vantage he saw long patches of open plain to the north-east giving promise of easy travelling for some fifty miles. But away about thirty miles to the south was a lofty mountain mass, which he rightly divined must, in fine weather, command a glimpse of the waters of Port Phillip. He longed to connect his survey with a known point, but hardly dared to spare the extra couple of days it would take. An accident decided him, for the boat carriage broke down, and an enforced day's halt was necessary. A prompt start and a hard gallop brought them to the foot of the range early in the afternoon. By carefully following the ridge they were able to reach the summit without quitting the saddles. At first the tree ferns, brush and lofty timber prevented them getting any intelligible view of the plains to the south; but finally, from one rocky eminence, the Major with his glass made out the general outline of the bay, and recognised its distinct feature in the Indented Head and the eastern coast line. He estimated the distance to be at least fifty miles, and says: "At that vast distance I could trace no signs of life about the harbour. No stockyards, cattle nor even smoke, although at the higher northern point of the bay I saw a mass of white objects, which might have been either tents or vessels." It is evident from this allusion that he was aware that a settlement had been formed there, having probably received the information from Mr. Edward Henty. With rather an inconsequential reference to Port Phillip he named the peak Mount Macedon, though he admits that the native name Geboor, which he learned afterwards, is a much better one.

Hurrying back to the scene of the breakdown, he pushed on over comparatively easy country to the Goulburn, which was crossed close to Nagambie, and bearing north-east over lightly timbered plains free from any mountain complications, he kept almost the identical course of the old main Sydney road and the North-Eastern Railway, and finally reached the Murray at Howlong, on the 16th of October. It took them two days to find a suitable crossing-place and to effect the passage, and four of the men, having

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volunteered to go back and guide the rear contingent, were despatched with all available stores. The remainder with Major Mitchell soon reached some of the remote outlying stations on the Murrumbidgee, where their wants were hospitably supplied, and without encountering any further difficulty they arrived in Sydney early in November.

The result of this triumphant march through the new country was to dissipate the legends of its waterless sterility and general unfitness for colonisation which had been so uniformly circulated by Government official investigators. The colonists were delighted at such abundant confirmation of Hume's predictions, and the Legislative Council voted the gallant Major a douceur of £1,000. When his narrative was published, and the great importance of the results attained were fully apprehended, His Majesty conferred upon him the honour of knighthood.

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CHAPTER V.

THE FOUNDING OF MELBOURNE.

Pride of lineage is supposed to be one of the concomitants of a high form of civilisation. The man who can show that his ancestors "came over with the Conqueror," even though they shared in the rapacity of that truculent Norman, looks down on the neighbour who cannot trace his pedigree farther back than the accession of the House of Brunswick. Even in democratic America the impossibility of an hereditary title is compensated for when prominent citizens can prove that the roots of their family tree were transplanted in the *Mayflower*, and it is notorious in Pennsylvania that the descendants of the treaty-making William Penn are the most exclusive of an extremely exclusive sect. At the Antipodes the form which this idiosyncrasy took on was a consuming desire to be regarded, not so much as the descendants of illustrious ancestors, but as the founders of a new dominion which was destined with unexampled rapidity to occupy a foremost place in the history of the world's progress.

The prosperous and generally self-satisfied community that from the City of Melbourne wields a leading influence over the destinies of the Southern Hemisphere takes now but a languid interest in the relative merits of the score of adventurers who, in 1835, wrangled and squabbled over their imaginary rights to an exclusive possession of the banks of the Yarra. Yet it will be within the memory of some old colonists how, after the lull in the excitement which followed on the gold discoveries, the rival claims of Batman and Fawkner to be considered the founder of the colony rent society politically and socially, and kept the organs of the press in a permanently controversial attitude. Batman, who for a time was a notable figure in the infant settlement, died before he was

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forty, while the anticipated importance of the city was latent but undeveloped, and left the prosecution of his claims to alien hands. Fawkner, who lived to exceed the allotted span of years, and was rewarded by his fellow-colonists with Legislative honours, spent a large portion of his later years in persistently proclaiming his own individual rights to be regarded as the creator of the community, and in as incessantly deriding the pretensions of his deceased rival. The fact is that the rivalry grew out of the animosity engendered by greed, and the claim to pose as public benefactors is so inherently absurd, that the wild enthusiasm which greeted Fawkner as the "Father of the Colony" and the "Founder of Melbourne" is only to be explained on the ground that the original condition of affairs was lost sight of in contemplating the great development which had sprung from an insignificant fact. The world is generally ready to accord to an energetic and assertive man the status which he claims for himself, but the calm investigator of facts, uninfluenced by the personal presence, often reverses the popular verdict. Any one now reading the various speeches, lectures and articles wherein Fawkner advanced his claims with audacious egotism, and with slanderous vituperation against all and sundry who dared to controvert them, will naturally conclude that such an amount of violent assertiveness could hardly have been required in a good cause.

If the term founder is properly applied to the first permanent settler in a colony, then the little band of whalers and sheep breeders at Portland Bay, who had reaped their crops within Victorian territory before Fawkner had proposed to leave Launceston, are undoubtedly entitled to the appellation. And as to the merit of selecting the site of the City of Melbourne, it was only by the merest chance that the party which Fawkner sent over afforded him the opportunity of vicariously claiming it. So far back as 1803 it had been indicated by Mr. Surveyor Grimes as the most suitable place in Port Phillip, but as recently as June, 1835, it had been marked by Batman on his rude chart as "reserved for a township". The primary aid of Fawkner's colonising experiment was not directed to the Yarra at all. His instructions to the preliminary contingent he sent off in the *Enterprise* were to visit and

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examine Western Port, and failing any satisfactory discovery there to proceed to Port Phillip, and if possible found a settlement on the eastern shore of the bay, but not to finally settle down except upon a river bank, or where there was a copious supply of fresh water. The most careful search failed to discover these conditions at the places indicated, and having arrived in Hobson's Bay, the mouth of the Yarra was found and entered, and the site at the old falls fixed upon nearly three months after it had been selected by Batman, who had hurried back to Tasmania to bring over his stock and stores and some of his partners in the venture.

Before entering into the detailed proceedings of these rival adventurers, some brief notice of the antecedents of the two men whose names are so prominently associated with Victorian colonisation will not be without interest, and in some measure will be found explanatory of subsequent events in their history. John Batman was born in the year 1800 at Parramatta in New South Wales, where he grew up to man's estate amidst the Arcadian surroundings of that pretty river township, always celebrated for its wealth of fruit and flowers, and the fertility of its immediate environment. He was a fine type of physical manhood, tall, strong and handsome, with the exuberance of spirits and love of adventure which belongs to those qualities. Parramatta was not a very progressive place, and its limitations palled upon the young athlete, so by the time he was twenty years of age, sighing like Alexander for new worlds to conquer, he betook himself to Van Diemen's Land. Here in conjunction with his brother Henry he received a grant of land in the wild Fingal district at the foot of Ben Lomond, and for some years carried on an unequal fight with nature in trying to induce his sheep to increase and multiply in a country that yielded little grass, but abounded in rocky fastnesses, dense scrub and other drawbacks to pastoral pursuits. A complete reign of terror existed in the colony about this time from the ferocious depredations of a number of outlawed convicts, who had taken to the bush and carried on a savage contest, marked by episodes of hideous brutality, rapine and murder against all the isolated settlers. The conduct of these men was doubtless but the natural outcome of the tyrannical ill-treatment to which they had been

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subjected. For years the petty despotism of irresponsible power had held its communications with them by means of the cat-o'-nine-tails, with the result that all but the savage instincts of a wild beast were flogged out of them. But from whatsoever cause the trouble arose, it was too serious not to be grappled with; and prompted, partly by the necessity for protecting their homes, and partly by the liberal rewards offered by the Government, the settlers united in numerous hunts after the desperate outlaws, and promptly shot them down when they refused to surrender. Batman, who was a perfect bushman and delighted in any active service that displayed his qualification in that direction, naturally took a prominent part in these exploits, and having been fortunate enough to capture single-handed one Brady, a leading spirit amongst the bushrangers, he was rewarded by the Governor with an additional grant of land.

A strange episode in his career occurred during this period, in which the elements of romance and commonplace were most curiously blended. The story, as told by Richard Howitt, is that he discovered amid the fastnesses of Ben Lomond an outlaw of the female sex, whose youth, good looks and touching story so worked upon the susceptible young man, that for once he swerved from his devotion to law and order, and provided her with a safe refuge until he should be able to negotiate for her pardon. In due season the opportunity offered, and in consideration of services he had rendered to the Government, his petition was favourably considered by Governor Arthur, and he was permitted to lead the object of his solicitude to the altar, as a free woman. The records are silent as to the cause of the initial trouble, but judging from Batman's letters and journals, there are abundant indications that the marriage was one of affection, cemented thereafter by a family of one son and seven daughters. The "Black War," which raged intermittently in Tasmania for twenty years (1810-1830), reflects the greatest discredit upon the administrators of the Government, and the settlers generally. It is a record of feeble incompetence on the one hand, and vindictive ferocity on the other. No one can read Mr. Bonwick's graphic account of the lost Tasmanian race without a feeling of humiliation that deeds of such wanton and purposeless cruelty

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could have been performed in these latter days by men of his own kith and country. In 1828, when the blacks were being shot everywhere "on sight," John Batman made a proposal to the Governor to devote his time and his most strenuous exertions to effecting the conciliation of the unfortunate race, and to persuade them to surrender themselves to the control and protection of the Government. His offer was accepted, and for a couple of years he pursued a course of kindly conciliation, accentuated by firmness and determination, that had the most beneficial results. By the employment of female spies, whose confidence he had won by kindness and sympathy, he induced large numbers to surrender themselves to his direction, and during the whole period of his numerous expeditions was only once involved in an actual fight with them. Governor Arthur reported Batman's proceedings to the Home authorities in terms of the highest praise, and shortly afterwards awarded him a further grant of 2,000 acres of land in recognition of the valuable services he had rendered in bringing the discreditable war to an end.

But meanwhile (even before he volunteered for his humane efforts amongst the natives) he was getting restless over the poor prospects which the wild country allotted to him offered for making his fortune at sheep farming. He learned with delight of the discoveries made by his friend and companion in many a bush exploit, Hamilton Hume, and he projected schemes by which such valuable enterprise might be made to yield profitable results. That a desire to seek for more suitable pastoral country on the mainland of Australia had long been simmering in his mind is evidenced by the fact that as far back as 1825, when Mr. John Helder Wedge was surveying the land granted to Batman at Ben Lomond, a project for an exploring expedition across the Straits was seriously discussed between them, and was only postponed on account of more immediately pressing duties. In the following year the New South Wales Government made their feeble attempt to occupy Western Port, and the accounts of Hume's journey, as published in the Sydney papers, having erroneously located his most valuable discoveries in that region, the idea was again revived. This time Batman was associated with Mr. J. T. Gellibrand,

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a solicitor of Hobart Town, who had been Attorney-General of the Colony, but had been dismissed from his office by Governor Arthur for what was regarded locally as an infringement of the etiquette of his profession, though that opinion was controverted by prominent members of the English Bar when the case came before them. In January, 1827, Messrs. Gellibrand and Batman addressed a letter to Sir Ralph Darling, Governor of New South Wales, in which, referring to the projected settlement at Western Port, they applied for a grant of land proportionate to the property they intended to take there. This was stated to be about 1,500 to 2,000 well-bred sheep and some thirty head of superior cattle and horses, to the total value of from £4,000 to £5,000, the whole to be under the personal management of Mr. John Batman, who would permanently reside there. In the following March the Governor replied that, as the retention of a settlement at Western Port was not yet absolutely decided on, it was not in his power to comply with their request. The tentative Government occupancy soon came to an end, having meanwhile, in the usual wooden official manner of the period, successfully blocked all attempts at legitimate private colonisation. So the would-be colonists had to possess their souls in patience, and five or six years passed by while they organised their plans, counted their resources and discussed the vexed question of jurisdiction. Some were of the opinion that the district which they desired to occupy was not under the rule of the Sydney officials, and that it was competent therefore to make their arrangements direct with the aboriginal owners. Others considered the proper course would be to make direct application to the British Government, though the tedious delays and the unsatisfactory results to those who had done so made that view unpopular. With yet others the idea prevailed that the coveted country ought to be under the dominion of the Tasmanian authorities, by reason of its proximity and the greater facilities for supervision. This view was undoubtedly held by Governor Arthur, between whom and the Governor of New South Wales there existed a feeling of somewhat irritable rivalry. Though debarred from giving any official countenance to the contemplated expedition, it has been generally supposed that the Governor took at least a lively interest in it,

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from the fact of his nephew, Mr. Henry Arthur, being one of the association formed in 1834 to make the experiment and risk the after consequences.

The syndicate received a stimulus to action about this time from two sources; one was the publication of the full narrative of Hume and Hovell's discoveries, and the other the fact that in despite of Government discouragement, almost amounting to prohibition, the Henty family had taken action and were already in possession at Portland Bay. The Association of which Batman and Gellibrand were the moving spirits chafed under the rebuffs which they met with from the authorities, and being all men of fair position and good resources, determined, on their own responsibility, to turn to some practical advantage the discoveries which Hume and Sturt and Mitchell had made at such laborious cost. There were fifteen of them in all, and several of their names are prominently associated with the early days of Melbourne. They were John Batman, J. T. Gellibrand, C. Swanston, W. G. Sams, J. and W. Robertson, James Simpson, Thomas Bannister, John T. Collicott, Henry Arthur, M. Connolly, John Sinclair, John Helder Wedge, Anthony Cotterill and George Mercer. Out of deference to intercolonial jealousies, and to the restlessness of the Tasmanian settlers, which the legends of the fertile plains across the Straits had awakened, the Association did not desire to attract much attention to their movements or their destination, so they refrained from any public act of incorporation. Indeed, to all intents and purposes, they were a mere private partnership, not even defining their position by a deed amongst themselves until after Batman's return from Port Phillip.

It was determined that whatever power had hereafter to be recognised as entitled to dominion over the soil, the rights of the aborigines should be strictly respected; and it was assumed that a public acknowledgment of this apparently equitable course would at least strengthen their claims in popular estimation, if it came to a contest with the Crown, or its local representatives. Thus, when the arrangements had been completed for the preliminary inspection, the legal mind of Mr. Gellibrand provided for anticipated cavil by drawing up deeds of conveyance for execution by the native vendors,

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with all the appalling formalities and in the untranslatable jargon of the law. Convenient blanks were left for the subsequent insertion of the acres purchased, and the consideration to be paid therefor, it being somewhat loosely or ironically assumed that the noble savage would be very particular about conveying more than he had the right to dispose of.

Armed with these first readings in law for the confiding aboriginal, provided with bales of blankets, stores of knives, tomahawks and scissors, and accompanied by three white men in his employ, named William Dodd, James Gumm and Alexander Thompson, and seven of the Sydney aborigines who had worked with him in his native campaigns in Tasmania, Batman sailed forth from Launceston on Sunday, the 10th of May, 1835, in the *Rebecca*, a schooner of only 30 tons, on a voyage that will remain memorable as one of the beacon-points in the placid annals of Australian colonisation. The start was gloomily inauspicious. After getting down to the Tamar Heads a whole week passed in waiting the chance of an offing, which a persistent westerly gale precluded. Hearing of the long detention, Mrs. Batman drove down to Georgetown to bid her final adieux, and on Monday the 18th, the *Rebecca* got clear out of the river, but only to seek refuge the following day in Port Sorrel. Two or three unsuccessful attempts were made to combat the heavy seas and unfavourable winds, but the end of another week still found them in their sheltered haven, prostrate with sea-sickness and generally miserable. At length, on the 26th, they made a good start toward Circular Head, where they anchored a while; on the 28th they ran across the Strait skirting the coast of King's Island, and at daylight on the morning of the 29th of May they were only eight miles from Port Phillip Heads. By midday they had anchored in a small bay about twelve miles up the Port.

Batman's journal of this important exploration has been frequently published, and it is to be regretted that a document so essential to the actual history of Port Phillip Settlement is not altogether reliable in the matter of dates and distances. The former is probably due to carelessness, and the latter to an undoubted tendency to exaggeration. It cannot be brought into close harmony with the report furnished to Governor Arthur immedi-

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ately after the return; but this latter document bears evidence of a more polished style, and was probably drawn up by Gellibrand, many of the incidents recorded in the journal being recast to give emphasis to ulterior views. In the matter of dates the journal throughout is in wide divergence with that afterwards published by Robert Robson, the mate of the *Rebecca*, which purported to be abstracted from the ship's logs. There is, however, collateral evidence to prove Robson's dates to be entirely erroneous, for he fixes the 9th of July as the day of the *Rebecca's* return to Launceston; whereas the Governor's acknowledgment of Batman's report of his proceedings is dated on the 3rd of that month.

Without accepting Mr. Fawkner's insinuations that the bulk of the journal was fictitious, and the story of the treaty with the natives an amusing travesty, it may be readily admitted that the record is not drawn up with the exactitude which a paper, say, for the Royal Geographical Society might be expected to possess. But, *malgré* a general looseness of description, and some vagueness, natural to a man who, though an authority on bushcraft, was not a scientific explorer, it contains substantially an honest recital of what Batman saw, and the impression he committed to paper, if not on the same day, at least while the incidents were fresh in his memory. Checking the journal with the correspondence with his colleagues in the Association, the reported conversations with Mr. Wedge and others, and the touched-up report to the Governor, it is possible to construct a fairly accurate account of this dark age of Victorian history.

The "Plymouth Rock" of Victorian colonisation must be sought for on the beach near Indented Head, where the *Rebecca* anchored on the first day of her arrival. Batman, eager to inspect the promised land, at once went on shore with the captain, accompanied by his black attendants, and was speedily lost in admiration of the possibilities of such a splendid sheep country, covered with waving grass like a field of young wheat. The description of the soil and the pasturage are all in the superlative degree: "As rich land as ever I saw in my life, with scarce a tree on it," and similar emphatic statements occur on every page of the diary. He overlooked the district where now Portarlington, Bellarine and Drysdale

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form the residential centres of a highly cultivated and very profitable settlement. Delighted with the prospect he covered more than a dozen miles before nightfall, and quite knocked up his less energetic nautical companion. The Sydney natives, after their three weeks' imprisonment on board, preferred to camp on shore, and next morning it was blowing so hard that they could not land a boat for them, so they were signalled to walk round Point Richards, and the schooner worked into Corio Bay, anchoring somewhat to the west of Portarlington. Another day was spent by Batman in exploring the richly grassed and pleasantly undulating lands of the peninsula, and in seeking unsuccessfully to meet with the aboriginal owners of this pastoral paradise in order to make a deal for it. Towards evening they hauled over to the north shore of Corio Bay, and when night fell they noted the direction of native fires, and made their arrangements for an early start in the morning to interview the lords of the soil. It was a long march, degenerating into a chase, but at length they came up with a number of women and children, whose sable protectors were away hunting, or on the war-path. It needed no knowledge of their spoken language to gain their friendship by making presents, and this was done with, what must have appeared to the savages, reckless prodigality. Blankets, handkerchiefs, beads, looking-glasses, apples and sugar were distributed with an eye to the effect such marvellous donations would have upon the tribe to which the recipients belonged, when the wondrous story came to be related around a reunited camp fire. The next morning exploration was continued some ten miles up a stream, probably Cowie's Creek, until the slopes of the Barrabool Hills were reached. These were ascended, and from the summit, as far as the eye could reach, Batman reported that he saw nothing but open plains of good soil, with plenty of grass, equally well adapted for sheep or agricultural purposes. He named them Arthur's Plains, after the Governor of Van Diemen's Land, but the appellation failed to secure permanence. Indeed, he freely christened the various hills, rivers and creeks he met with after the members of his family, or his partners in the Association, generally without any permanent results. Batman was driven back from the Barrabool hills by a violent hailstorm,

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and as the weather appeared broken and stormy, he abandoned his intention of proceeding overland to the head of Port Phillip Bay, and betook himself once more to the vessel. Next morning they proceeded in rain and fog, and by three in the afternoon were brought up in the mouth of the Yarra by a bar with only one fathom of water in it. An evening ramble on the site of the future Williamstown disturbed countless flocks of pelicans and swans, while scores of ducks, teal and quail stimulated the sportsman's ardour. At nine o'clock next morning Batman started up the Salt Water River in a boat to find a channel, sounding as he went, but at a distance of some five miles he landed and was joined by the remainder of his party, who had walked up on the western bank. They followed the course of the river for an estimated distance of twenty-six miles, and camped at sundown, somewhere above Braybrook. The river being still salt they were much put about for fresh water, but finally obtained sufficient by digging a hole alongside the stream and awaiting its slow percolation. Another day's tramp of an equal distance carried them over the Keilor Plains to Jackson's Creek and the pleasant rolling hills about Sunbury, from which elevated point of observation they saw native fires away to the eastward. They headed in that direction, and when nightfall overtook them they camped in a small valley made verdant by the waters of Moonee Ponds Creek. The night was stormy and wet, but by eight o'clock next morning, the 6th of June, they were off again in quest of the natives. Batman was in ecstacies over the appearance of the country, the land quite black, lightly timbered, with waving grass three or four feet high. After a walk of eight miles they came upon tracks of the natives, the first they had seen in their three days' march, and soon overtook a man with his lubra and three children. Batman calls him a chief in his journal, but he also applies that title pretty freely in recording his dealings with the aborigines, in ignorance of the fact that this dignity was strictly limited to one old man in each tribe who never left the camp without a bodyguard of young braves. At any rate, the interesting stranger was treated as became his supposed rank, and presented with a pair of blankets and three knives, with a gaudy handkerchief or two and a supply of beads to captivate his

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female companion. According to the journal he showed his gratitude by undertaking to lead the strangers to his tribe, mentioning the names of the "chiefs". From this point it is evident that neither the journal nor the subsequent report can be regarded as reliable in the matter of details, for they both proceed on the assumption that lengthy conversations were carried on intelligibly by the aid of the Sydney natives who formed Batman's escort, but whose language was as radically different as German and English are. Much, of course, may be allowed for the ability with which all uncivilised races can communicate by the medium of pantomime and signs, but unfortunately Batman's narratives do not rely at all upon that. Allowing for a reasonable amount of exaggeration in this direction then, the general tenor of his proceedings may be accepted. Following their sable guide for another eight miles, in the course of which they crossed the Merri Creek, they were suddenly made aware that they were being pursued, and turned to find their rear covered by eight sable warriors whose spears were poised in a threatening attitude. As Batman's party consisted of about a dozen men all armed to the teeth, this display indicated a good deal of reckless courage, but the intervention of the native guide whose sympathies had been secured by blankets soon produced a change of front, and throwing aside their spears the warriors went through a process of handshaking as a preliminary to accepting a few presents of tomahawks and knives. Charmed with the open-handedness of the pale-faces, the natives led them a mile or so to their camp on the banks of a beautiful stream of water, which Batman in the glory of his discovery named after his "good self". Here he was introduced to eight "chiefs," whom he describes, with a quite unfounded assumption, as possessing the whole of the country near Port Phillip. At last the object of his eager quest was attained. Here were the men who owned this splendid land, and were alike unable and unwilling to turn it to its most profitable use by stocking up. It was not for him to make any deep scrutiny into the title. They were in possession, and in the thousands of acres over which he had conducted his party he had met no one else except the few women and children on the Werribee Plains. "After a full explanation," he says, "of what

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my object was, I purchased two large tracts of land from them, about 600,000 acres more or less, and delivered over to them blankets, knives, looking-glasses, tomahawks, beads, scissors, flour, etc., as payment for the land, and also agreed to give them a tribute or rent yearly. The parchment the eight chiefs signed this afternoon, delivering to me some of the soil of each of them, as giving me full possession of the tracts of land."

The celebrated deeds, so closely associated with the idea of burlesque which evidenced the historical treaty, were formally engrossed on two separate parchments and each drawn up in triplicate. It would be very interesting to learn in what archives the natives deposited the copies they were privileged to retain, and what they thought of their value. One was endorsed, "Grant of the territory called Dutigalla, with livery of seisin endorsed, dated 6th June, 1835"; the other, "Grant of the territory called Geelong, with livery of seisin endorsed, dated 6th June, 1835"; and to-day they repose in a glass case in the Melbourne Public Library, where the curious may see the cabalistic marks which did duty for the hands and seals of Jagajaga, Cooloolock, Bungarie, Yanyan and the other sable potentates who bartered away their own, and probably several other people's, birthrights for the blankets, shirts and glittering gewgaws with which the white man dazzled their astonished eyes.

It will probably never be known what they supposed they were selling when they executed the grand conveyance in triplicate; but one deed purported to convey unto John Batman, his heirs and assigns, "All that tract of country situate and being at Port Phillip, running from the branch of the river at the top of the port about seven miles from the mouth of the river, forty miles north-east, and from thence west forty miles across Iramoo Downs or Plains, and from thence south-south-west across Mount Villan-marnartar to Geelong Harbour, at the head of the same, and containing about five hundred thousand more or less acres, as the same hath been before the execution of these presents, delineated and marked out by us, according to the custom of our Tribe, by certain marks made upon the trees growing along the boundaries of the said tract of land".

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The other deed conveyed the tract of country known as Indented Head, "extending across from Geelong Harbour, about due south for ten miles more or less, to the Head of Port Phillip, taking in the whole neck or tract of land, and containing about 100,000 acres".

The definition of the latter grant is comparatively easy owing to the tract of country ceded being nearly surrounded by water, but that of the former is generously vague. A line drawn from the starting-point extending forty miles in a true north-east direction would cross the Dividing Range in one of its most forbidding ridges, and terminate in the rugged county of Anglesey, near Mount Despair. Projected due west from here for another forty miles it would recross the ranges near Mount Disappointment, and terminate at the foot of Mount Macedon. Thence a direct line to Geelong, intersecting the You Yangs, would be fifty-two miles in length, and the land enclosed within those lines would represent what is to-day the richest and most valuable portion of the whole colony of Victoria.

Notwithstanding the precise verbiage of the conveyance, it can hardly be supposed that anything like exactitude was contemplated by Batman, and the statement in the subsequent report to Governor Arthur that "on the next day the chiefs proceeded with me to the boundaries, and they marked with their own native marks the trees which were at the corners of the boundaries," is not only quite incredible, but is at variance with Batman's journal, purporting to be written on the spot. In this he says that, after all the formularies were completed, a tree was marked four ways to know the corner boundary, and he returned next morning to his ship. In any case, however, he probably felt that his title was as good as he was likely to make it, and would hardly be improved by beating the bounds; and as the quasi-vendors were equally satisfied with the business results, the whole camp gave themselves up to a merry evening, and much hilarious feasting was crowned by a grand corroboree, performed by the Sydney natives for the delectation of their newly found friends. The next day was Sunday, but the affairs of state forbade its proper observance. Triplicates of the celebrated deeds had to be filled in, and the balance of the

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stores and blankets to be paid over, and the ceremonial investment of Batman with the "royal mantles" of two chiefs to be performed. At length the requirements of business and etiquette had been fully complied with, and after an invitation to the natives to visit the ship, which was apparently declined out of pure laziness, Batman marshalled his party and started to rejoin the *Rebecca*.

Mr. G. W. Rusden has fixed the site of this celebrated treaty on Merri Creek, Northcote, at or near the spot now occupied by the "Old Colonists' Home". He does not give the evidence for this selection, and it is at variance with Batman's record of the distances travelled, and the delineation on his map.

Difficult as it is to follow Batman's itinerary on a modern map, his own being hopelessly out of scale, careful computations, and comparisons of the original diary, the touched-up report furnished to Governor Arthur, and the narrative of Captain Robson of the *Rebecca*, place it beyond doubt that the celebrated treaty took place on the river Plenty, two or three miles above its junction with the Yarra, and distant about thirteen miles in a straight line from the site of Melbourne.

In a vague sort of way the Merri Creek has been generally referred to as the site, having been adopted without examination by Dr. Lang, Bonwick, Lloyd and other writers whom Mr. Rusden has followed. But in 1885, in a lecture delivered before the Historical Society of Australasia by a well-known surveyor, Mr. James Blackburn, C.E., the locality as set forth above was established beyond question.

After leaving the camp Batman and his party marched, according to the diary, twelve miles in a south-westerly direction, crossing a small stream, which the explorer called Lucy's Creek, after his favourite daughter, and which was evidently that now known as the Merri Creek. Soon after passing this they entered a thinly timbered forest abutting on a swamp, which they overlooked from the ridge now covered by the borough of Flemington. When they reached the swamp their attention was for a time diverted by the clouds of quail that arose about them, and getting entangled in the dense ti-tree scrub which grew around the marsh, they found on forcing their way through that they were on the banks of a river

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that was larger than the one they had gone up. This was the Yarra, which they had struck somewhere below the site of the present Gasworks, and as they were unable to find a ford and night was approaching, when they got to the junction with the Salt Water River, two of the Sydney natives were deputed to swim across, and go to the vessel for the purpose of bringing up a boat. Three hours' waiting in the dark, with the tide risen to their ankles, was an unpleasant experience; but the boat came at last, and the long Sunday's work ended comfortably on board the *Rebecca*, where Batman recorded in his diary, "My travelling I hope on foot will cease for some time, having done everything I could possibly wish". Self-congratulatory as are these last words, they appear to have been penned on the eve of his accomplishing his most important discovery. His intention had been to start for Launceston next morning, but when the day broke a strong southerly wind prevented the *Rebecca* from getting out of the river. To utilise the time lost by this enforced detention, and if possible to replenish their supply of fresh water, Batman and Robson took a boat's crew and pulled up the large river which came from the east. They found it good water and very deep for six miles above the junction, and where the old ridge of rocks stopped the inflow of the tide, the spot now spanned by the Queen's Bridge, they filled their casks with water, and Batman marked in his rough diary, "This will be the place for a village".

Notwithstanding Mr. Fawkner's persistent statements that Batman had never been on the Yarra at all, the only evidence he was able to adduce in support of them was based on the looseness and inaccuracy of Batman's handling of dates and distances. On the other hand, there is indubitable proof of the substantial truth of Batman's journal, apart from the support accorded to his statements by his contemporaries. His map of Port Phillip, somewhat out of scale, but roughly delineating his track, showing the Yarra some few miles above Melbourne, with the flat between that river and Sandridge marked as "Reserved for a township and other purposes," and the land about the West Melbourne Swamp "reserved for a public common," was in course of transit to England within a month of the discovery, and was probably in the hands of the

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Secretary for the Colonies by the time Mr. Fawkner was ready to leave Launceston on his first visit to the Yarra. Mr. G. W. Rusden has pointed out that Batman's decision as to the site, and the map dated 25th June, 1835, were published in an English Parliamentary Paper, with the despatch in which they were transmitted by Governor Arthur. This circumstance fortunately places the truth of the statements on unassailable grounds. The insinuations that the important results of Mr. Fawkner's subsequent settlement had led to their being collusively antedated are absolutely disproved by the fact that the account was in print before any more importance was attached to the Yarra than to the Werribee.

It may be asked why Batman did not leave his men in possession of the place which he had selected as the site for the coming village. There were two objections very easily apparent. In the first place, he only visited the Melbourne basin in a boat, and had not found the means to get the *Rebecca* over the bar in the Salt Water River. It would have involved a good many journeys to take up the necessary stores and impedimenta in the ship's small boats, and delay chafed him now that he had so much to report to his associates. And, in the second place, he determined to leave his representatives in some prominent position commanding the watery highway to this pastoral paradise, where if need be they could swoop down upon any stray sail and warn off unauthorised intruders.

Intent on such thoughts he selected a bold bluff at Indented Head, near the spot where he first landed, and here he planted his small colony, consisting of his three white servants and five of the Sydney natives, supported for purposes of hunting and defence by six dogs. They were supplied with three months' rations and a quantity of potatoes, garden seeds, etc., to be sown. Batman left written instructions with Gumm to build a loopholed sod hut, thirty feet long by ten broad; to be generous to the natives in the matter of food, but not to allow them to camp within 300 yards of the "fort," and finally to put off any person or persons found trespassing on the land purchased from the natives. And so, with the grand territory inspected, purchased and paid for, with the deed in his pocket and his bailiff in charge, Batman gaily turned

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his face homewards, cleared the Heads at eight o'clock the same evening, and two days later burst upon his friends in Launceston. The story of the "Tasmanian Penn," as the *Cornwall Chronicle* happily christened him, fanned into a flame the long pent-up desire of the colonists to have a share in the distribution of Australia Felix, and the manner in which the local journalists drew upon their imagination in describing the unprecedented beauty and fertility of a country within thirty-six hours' sail of them threw the whole colony into a perfect ferment.

Batman's journal gives the date of his return to Launceston as the 11th of June, but in the report furnished to the Governor he quotes it as the 14th. That the journal is the more reliable is proved by the fact that the first account of his trip is published as an editorial in the *Cornwall Chronicle* of 13th June. Fourteen days after Batman's return, the substance of his journal was woven into a highly coloured report, with the literary assistance of Gellibrand and J. H. Wedge, and laid before Governor Arthur in due official form. It was dated the 25th of June, and commenced by setting forth the preliminary efforts which Batman and his associates had made during the preceding eight years to obtain permission to settle in the Port Phillip or Western Port districts, and somewhat gratuitously assumes that the cause of their failure was because the coveted land was beyond the jurisdiction of the Government of New South Wales. On this assumption they had concluded that it was open to them to conduct direct negotiations with the natives, and by obtaining from them a grant of a portion of their territory upon equitable principles to combine two desirable objects: the extension of the pastoral resources of Tasmania, and the beneficial civilisation of the aborigines. The report then proceeds to describe in detail the proceedings of Batman's party at Port Phillip, with some variations as to dates, and with a studied emphasis on the intelligence displayed by the natives in connection with the celebrated "treaty". The writers confidently trust that the British Government will appreciate the importance of the said treaty, will not in any way molest the arrangements made, but rather give them support and encouragement to carry its objects into effect. The country is described as superior to any that Bat-

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man had ever seen in New South Wales, interspersed with fine rivers and creeks, with illimitable grassy downs, and comprising an indefinite extent of fine land fit for any purpose. The report winds up with a list of the members of the Association, and an intimation that within a year they will send over fully 20,000 sheep, under the charge of married men of good character, who shall be accompanied by their families, and whose spiritual welfare shall be looked after by a minister with whose stipend the Association is prepared to charge itself. Truly a promising and highly respectable scheme of real colonisation, though it failed to win the appreciation of the authorities. Immediately after this report was handed in, the Association realised that in thus addressing Governor Arthur they would probably awaken the jealousy of the Governor of New South Wales, and, greatly daring, they hastened to address the Secretary of State for the Colonies only two days later. They forwarded him a copy of the report, and they took a firm stand in asserting that the territory they had purchased was " some hundred miles beyond the jurisdiction of New South Wales ". The despatch is signed by the whole fifteen members of the Association, and confidently relies upon the Crown relinquishing any legal or constructive right to the land in question, especially as any other course would result in depriving the confiding natives of the tribute which had been secured to them for ever. This last shot was expected to tell with the humanitarians, but it was not appreciated in dry political circles. The course of post to England was long enough in those days, and they had to wait for their answer. Meanwhile Governor Arthur replied on the 3rd of July to the effect that, while greatly interested in and highly gratified by the results of the expedition, he believed the recognition of the rights supposed to have been acquired by purchase from the natives would be a departure from the practice sanctioned by the British Parliament. Consequently, while he promised to forward the report to his Majesty's Government, and to vouch for the respectability and *bona fides* of the parties interested, and their humane consideration for the aborigines, he warned them not to incur any expense in reliance upon a confirmation from the Crown of their title to the land. He cited the refusal which Mr. Henty had been met with

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as a ground for this warning, and admits that if the settlement could be permitted, it would, on account of its proximity, be highly conducive to the prosperity of Van Diemen's Land. He fulfilled his promise by writing next day to the Colonial Secretary in generally laudatory terms of Batman and his associates, and while admitting that he cannot recommend the recognition of the treaty, he would be glad to see the district colonised, and suggested that it might be placed temporarily under the jurisdiction of the colony over which he presided. In any case he thought that a liberal grant of land to Batman at least would be well bestowed.

While this correspondence was proceeding others were maturing their arrangements for a descent on the promised land. Foremost among these busy projectors was John Pascoe Fawkner, at that time landlord of the Cornwall Hotel in Launceston, destined by native shrewdness and dogged pertinacity to become a prominent figure in the new settlement. Indeed, though labouring under many personal and social disabilities, he had not failed to acquire prominence already. The early chapters of his life are redolent of the aggressive controversial turbulence which characterised him up to the period of advanced age, toned down only by the gradual failing of his physical powers, which had never been set in a very vigorous frame. Short in stature, squat in figure, shambling in gait, slovenly in attire, with a face of rugged plainness, chiefly marked by the hard mouth and strong chin, and with a voice in which harshness and huskiness struggled alternately for the mastery, he lacked all those physical advantages in which the popular idea clothes the born leader of men. Yet he had such strong individuality of character that he was enabled not only to rise above all these inherited disadvantages and secure the enthusiastic support of thousands of partisans, but also to outlive the effect of his own many errors and shortcomings, and to retain the applause of the fickle multitude in the position of a popular tribune to the day of his death.

John Pascoe Fawkner was born in London in 1792, and at the age of eleven years was permitted to accompany his parents to Australia in the *Calcutta*, his father being under sentence of transportation for receiving stolen goods. The tentative occupancy of

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Port Phillip by the expatriated passengers of the *Calcutta* in 1803, the particulars of which have already been recorded, gave to Fawkner the distinction of an actual resident in the district to which all Tasmania was now eagerly looking. It is true that the experience gained by a lad of eleven under such eminently unfavourable circumstances could not count for much a generation later; but he enjoyed such distinction as pertained to the single representative who had been there and fain would go again. Although the father of Fawkner had been duly convicted, he does not appear to have belonged to the recognised criminal classes; for he seems to have settled down as soon as he obtained his conditional pardon to industrious courses in Tasmania, and acquired a sufficient property to enable him to pass the evening of his life in respectable ease with a modest competency. But while the old man, aided in his efforts, no doubt, by the self-sacrifice of a devoted wife who had shared his exile, was doing his best to make up his leeway, the son, exposed at an impressionable age to all the unwholesome surroundings of a convict ship and a penal colony, had his crop of wild oats to sow, and a congenial soil to bring them to rank luxuriance. It is hardly to be wondered at that the nature of his associations gave him a savage enmity towards the official classes, whose petty tyrannies and domineering control over all outside their own circle were doubtless canvassed and denounced in many a conference of seditious plotters. For some ten years or so Fawkner seems to have led a restless, vagrant life, and during a portion of this time he was working in the bush as a sawyer, but early in 1814 he fell into the hands of the authorities. He took some active part in assisting a party of Portuguese prisoners to escape in a boat, was betrayed, caught, and, according to his own statement, deported to Sydney. Three years later we find him back in the neighbourhood of Hobart Town, where he had a small farm adjoining one worked by his father. He did not succeed in making this primitive form of occupancy profitable; probably he did not put much of his energy into so prosaic a task. This seems to be indicated by the fact that in the *Gazette* notice in December, 1819, announcing the sale of his farm by order of the mortgagee, the area is described as ninety-three

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acres, of which five only had been cleared for cultivation. An interval during which he figured as a baker in Macquarie Street appears likewise to have fallen short of commercial success, and shortly afterwards he transferred his interests to the other side of the island and settled in Launceston. Here he passed through a series of business experiences, having been in turn a bookseller and stationer, a baker, and proprietor of a timber yard, and finally developed into the widely known landlord of the Cornwall Hotel and the owner of the *Launceston Advertiser*, which he edited.

With the publicity attaching to the position of proprietor of the Cornwall Hotel, the bar-parlour of which became a sort of social parliament for the district, and the influence he was able to exercise through the columns of his paper, he soon entered upon a quasi-public career, and plunged with zest into every controversial topic, invariably taking the side of the people as against officialism. Long as he was associated with the trade of the publican, he never fell into any habits of excess, though it must be admitted that his intemperance of speech was a full set-off against his abstemiousness in other respects. He found sufficient stimulant in the active exercise of his vigorous mental powers, and for some years he cultivated and developed his capacity for rhetorical argument by practising in the minor courts of law as a paid advocate, a position which in those days, and under the exceptional circumstances of the colony, was not restricted to members of the legal profession. The term "Bush Lawyer" probably takes its origin from the practice of this period, and amongst that fraternity none stood in more request than the fearless Fawkner. Though entirely self-educated, his omnivorous reading had included some excursions into the region of law; it had certainly raised him above the average of the community in general information. When it came to questions of evidence, he was probably quite on a par with the magisterial bench, and he had a pertinacity all his own, which declined to recognise defeat. What between his outbursts in court and his thunderous denunciations in type, the magistrates often fared badly in popular esteem, and on one occasion an unusually bitter attack led to the suspension of his license and the closing of his hotel. On making a public apology in court, however, the suspension was revoked,

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and he was in full command of the hostelry when Batman returned from Port Phillip.

Riotous and aggressive as he delighted to appear, there is much to be said in favour of the cause he championed. There is no doubt that the monopoly of all Government positions by a few officials, the offensive contumely with which they treated those in any way descended from or connected with the convict element, and the contemptuous ignoring of the rights of free immigrant settlers, kept the great bulk of the community in a state of simmering indignation. But the fight was a hopeless one from the beginning, and Fawkner, in common with scores of his restless fellow-colonists, longed to get away from the arena of petty despotism to a place where they could hope to have some part in building up a freer community. Over the Strait lay a country where nature had done much to smooth the way for great social and political experiments. Vague reports from sealers and adventurers ripened into fuller accounts from explorers and observant travellers. The Henty family had gone, and were said to be prospering even though in unauthorised possession. Early in 1835, according to Fawkner's own statement published in the *Diggers' Advocate* in 1853, he arranged in his own mind a plan of colonisation, in which he invited five of his acquaintances to take part. He always speaks of this party as an organisation of his own, the first step in the development of a carefully matured scheme; but on behalf of three at least out of the five the notion of a joint adventure has been publicly repudiated. The fact is that Fawkner, by the subdivision and sale of his property known as the Launceston Orchard, comprising some seven acres in Brisbane Street, was enabled to raise a considerable sum of money, which he invested partly in the purchase of a small vessel and the necessary stores and outfit. His colleagues, whose names were John Lancey, a master mariner, Samuel and William Jackson, and Robert Hay Marr, carpenters and builders, and George Evans, a plasterer, paid their own passage at the rate of seven pounds per head, and looked after their own interests when they arrived. So far from following Fawkner's lead, or placing themselves in any way under his control, they merely availed themselves of the convenience he offered them, for due payment, and, with the exception of

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Samuel Jackson, all preceded him to spy out the land and select the site of the settlement. The vessel purchased by Fawkner was a schooner of fifty-five tons called the *Enterprise*. Unexpected delays in getting possession of the ship intervened, and while he was chafing under the delay caused by her non-arrival from Sydney, John Batman burst upon the astonished town with the news of his great possessions, actually conveyed in legal form, and duly paid for. "The largest landholder in the world," the claimant for nearly the whole of Port Phillip, did not dismay the resolute Fawkner, but only stimulated his ardour to go and do likewise.

It was not until the 29th of July that the *Enterprise* was ready to put to sea, and then she cleared out from Georgetown, having on board Fawkner, Marr, Evans, Lancey and William Jackson, accompanied by two servants of Fawkner's, Charles Wise and Thomas Morgan, a blacksmith in his employ named James Gilbert, whose wife went with him, and Evan Evans, a servant of George Evans. Three days of tempestuous weather and foul winds kept them miserably buffeted about within sight of Tamar Heads, by which time Fawkner was so utterly prostrated by sea-sickness that he ordered the captain to return to port and put him ashore. He says that he left specific written directions for the guidance of the expedition, the primary base of operations being Western Port. At any rate, that was the destination they arrived at, and on the 8th of August they reached its sheltered waters, thankful for a chance of temporary tranquillity.

A week passed in examining this often-explored port, a week of cold, rain, fog and discomfort. Amidst the chill wintry surroundings the prevalent swamp and marshy shores looked more than usually discouraging, and on the 15th of August this oft-tried spot was once more abandoned as unfit for settlement. The *Enterprise* negotiated the passage of Port Phillip Heads in safety, and almost immediately afterwards her passengers were greatly surprised to see a whale-boat, manned by four Sydney natives and steered by a white man, heading them off and demanding their business. The European was one of John Batman's bailiffs, who with unswerving loyalty to his master formally intimated to the newcomers that the whole of the western side of the bay and the river at the head

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of the port were private property, on which no trespassing would be tolerated. Although Mr. Fawkner was wont to make merry over the impertinent presumption of this notification, it does not appear that the recipients of the warning were very much surprised. At any rate, it led to no ill-feeling, for the boat party furnished the *Enterprise* with a liberal supply of fine fish, and the commander, Captain Hunter, in accordance with Fawkner's own instructions, hauled over to the South Channel, and proceeded to try the land about the foot of Arthur's Seat and the east coast generally. For five days the little schooner was kept moving in short stages northwards along the shore, landing an exploring party each day, and examining the country for a few miles inland. In this way the district now lively with the suburban townships of Dromana, Schnapper Point, Frankston, Mordialloc, Brighton and St. Kilda were in turn visited and rejected as all falling short of the intending settlers' requirements, until sunset of the 20th of August found them anchored in Hobson's Bay, with their haven still undiscovered. Next morning a boat was manned by Captain Lancey, William Jackson, George Evans, R. H. Marr and the two servants, and started forth to look at "the river at the head of the Port," about which so much had been predicted and so little was really known. When they got over the mud-bank near Williamstown, they rejoiced to find a fine tidal stream, coming from the north, fairly clear of obstructions. The ti-tree scrub which lined its banks was high and dense, particularly near its junction with the Yarra, and thus they passed without observing that tributary. When they had gone some ten miles farther up, they began to meet with serious obstructions from the quantity of fallen timber, huge barriers of entangled tree trunks, through or over which they forced their way with infinite labour and difficulty. Expecting to reach a point beyond the tidal influence, they had brought no fresh water with them, and suffered even more from thirst than fatigue. They landed a while and tried to follow the course of the river afoot, but it was still too salt to drink; and baffled and dispirited they took to their boat once more, regaining their ship at nightfall in a prostrate condition. On their way back they noticed the junction of the Yarra, and determined to explore that next day,

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taking the precaution to supply themselves with a keg of fresh water lest the same difficulties should be repeated. Their enterprise was rewarded in a few hours by the discovery of the ample basin of the Yarra, a bright shimmering lake-like pool into which, over a ledge of rocks, plunged a never-failing supply of pure fresh water, the one great desideratum which they had failed to find elsewhere in anything like abundance.

They did not know that Batman had been there before them, had indeed cut down a tree close to the margin of the falls as a sort of "taking possession," but probably if they had they would not have cared much. Round about the neighbourhood of the basin the river banks were like an English field in May. A lightly timbered grassy slope spread upwards as far as Collins Street, and beyond that, away to the site of the Royal Park, the forest asserted itself. A tiny rivulet flowed down the course of the future Elizabeth Street, and across it the towering gum-trees marked the pleasant outline of the Eastern Hill. Wild flowers carpeted the site to be devoted hereafter to the erection of busy wharves, the perfume of the wattle filled the air, bright-coloured parrots flitted amongst the trees, the kangaroo gambolled over the verdant sward, and flocks of startled wild-fowl rose from the water in noisy protest against the invasion of their sanctuary by the exploring whale-boat. A few hours' ramble in this sunny elysium, a survey of the locality from the summit of the once important landmark which they called "Pleasant Hill," but which was afterwards known as Batman's Hill, a highly optimistic forecast of the future, and it was time to seek the *Enterprise* once more, and to make their plans for bringing the schooner to the haven of rest which they had so fortunately hit upon. It was late at night when they got back on board with their exhilarating story, and Captain Hunter, who so far had been somewhat incredulous as to the prospects of a permanent settlement, gave himself vigorously to the work of sounding the channel, and marking the various flats and mud-banks by primitive beacons. The soundings and preliminary arrangements took a long time, and it was the 30th of August before the *Enterprise* was safely moored alongside the banks of the Yarra, opposite the place where the Custom

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House now keeps watch over a forest of masts. A few trees had to be roughly dismembered to give her a suitable berth, and then the master was fain to acknowledge that the place had all the surroundings of a promising home for the adventurers. The two horses and some dogs, which formed the live stock, were landed as soon as possible, but as it was a Sunday they rested for the remainder of the day, and started next morning with the erection of a sod building a little back from the river bank in which to house their stores. Another small hut for those who were to remain in charge was put up by George Evans and his servant, and although only built of sods, he was fond afterwards, when he had become a substantial sheep farmer, of claiming to have built the first "house" in Melbourne. On the third day after their arrival, they were greatly surprised by the appearance of Mr. John Helder Wedge, attended by an escort of blacks and one of Batman's white servants. He had resigned his position as Assistant Surveyor-General of Van Diemen's Land to undertake a proper delineation of the country purchased by Batman from the natives, in which he had an interest. He arrived in Port Phillip on the 7th of August, nearly a month previously, and had devoted the first three weeks to a survey of the Bellarine Peninsula, and the country between Geelong and the You Yangs. Towards the end of August he proceeded northward, with the intention of striking the line of the conveyed land, starting from the banks of the Yarra, and on the evening of the 2nd of September he unexpectedly came upon the busy little settlement, and the *Enterprise* in her arborial dock. He promptly informed Captain Lancey that his party was encroaching on the land already purchased by Mr. Batman from the natives, only to receive an assurance that they intended to hold and dispute possession. According to Fawkner's oft-repeated statement, the warning was given in the form of an offensive threat, and received with derision and disgustingly coarse language, but Wedge's report decisively contradicts this allegation. He states that after the intimation which he felt bound to make them, they generously offered to do anything for him in Launceston, and even proposed to give him a passage back if he intended returning shortly. It is certain that the ordinary courtesies of

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intercourse were not interfered with, for Mr. Wedge breakfasted with Captain Lancey next morning, and received a supply of flour from the ship's stores, while the following letter which he addressed to them shows no indication of active hostilities :—

"I beg leave to inform you that the situation on which you have fixed your encampment is within the limits of the tract of land obtained by Mr. Batman, on behalf of other gentlemen and myself, by a treaty with the natives. I trust, therefore, upon receiving this information you will see the propriety of selecting a situation that will not interfere with the boundaries described in the deed of conveyance," which he proceeds to set out in the language of the deed. The protest could hardly have been more courteously worded had it been made under the shadow of a Supreme Court, instead of in a country where every man was a law unto himself.

Having delivered this business-like intimation, Wedge proceeded on his survey, and the quasi-trespassers devoted their best attention to making themselves at home. Within the week they had completed their sod buildings, pitched their tents on Batman's Hill, and cleared a patch of about five acres, between King and William Streets, which was promptly ploughed and sown with wheat by Fawkner's servants. Adjoining this, to the westward, they enclosed a small garden for vegetables, and complacently regarded the embryo city as well begun. And their anticipations were fully justified, for from that day forward the busy hum of civilised life which had broken the solemn stillness of the forest never ceased from the land, but grew in volume until the echoes of its vitality reached to all the important centres of the habitable globe.

Meanwhile the *Enterprise*, having discharged all her stores, started back for Launceston, taking with her William Jackson and R. H. Marr. Thus the strength of the settlement was reduced to seven persons, George Evans and his servant Evan Evans, Captain Lancey, Wise and Morgan, Fawkner's labourers, and the blacksmith Gilbert and his wife. In the pleasant spring days they led a life of Arcadian simplicity and healthful toil, their larder replenished with abundant fish and game, dreaming away the sunny hours in anticipations of the prosperous future. At times they had misgiv-

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ings about the possibility of a descent of the blacks upon their undefended camp, and doubtless were not altogether without fear that Batman might suddenly appear in force and expel them. But the natives apparently did not possess the warlike instincts which had distinguished the aborigines of Van Diemen's Land, and when the emissaries of Batman did come, they took no overt action of hostility.

It is desirable here to revert to the proceedings of Batman's men in possession during the period that Fawkner's party had been establishing themselves on the Yarra. Early in July, 1835, about a month after the departure of their leader, the little encampment on Indented Head was thrown into a state of excitement by the discovery that a huge, shambling savage, who seemed to exercise some influence over the dusky warriors around them, concealed beneath a swarthy coating of grease and dirt the white skin of an Englishman. Clad in a shapeless garment of skins, with a few spears in one hand and a "waddy" in the other, he stood tongue-tied before Gumm and his companions, but with a certain wistful appealing look in the eyes that seemed to crave some recognition. When they asked him who he was, he did not at first comprehend their meaning, but suddenly it dawned upon him, and failing words he eagerly displayed to them a W. B. tattooed on his arm. Gradually such poor senses as he had awakened out of the torpor in which they had lain for over thirty years, and he recognised faint echoes of the past in a few monosyllabic words. Batman's men supposed him to be a shipwrecked sailor, and they at once offered him the hospitality of the "fort". Under the civilising influences of tea and biscuit, probably aided by a modicum of rum, Buckley found his mother-tongue, and by degrees his story, or as much of it as he chose to tell, was pieced out. The camp was glad to have him as a medium of communication with the natives, and, possibly with a view to magnifying his office, he intimated that his late associates were concocting a plot to murder the party and seize all the stores for themselves. He alleged that he prevailed upon them to abandon the idea by stating that a ship, which was now daily expected from Launceston, would bring them presents in even greater abundance than they could get by fighting. At any rate, they remained peacefully enough about the camp, and on the

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7th of August the little vessel hove in sight, having on board Mr. Wedge and Henry Batman, who was accompanied by his wife and four young children.

When the story of the absconding convict came to be narrated, and the services which he could render to the party by his knowledge of the aborigines were fully realised, Wedge at once kindly undertook to make intercession for him with the Government, and to obtain his pardon in consideration of his giving his services in the meantime as interpreter. A petition setting forth the circumstances of his escape, and the good services he was now ready to perform, was accordingly signed by Buckley, having been prepared by Mr. Wedge, and, being transmitted to Launceston by the return trip of the vessel in which the Surveyor had arrived, was favourably entertained by Governor Arthur. As a matter of policy he deemed it judicious to cheaply conciliate a man who, if still outlawed, might, by throwing in his lot with the natives, greatly harass the intending settlers; but who, on the other hand, could be of great service to them if his interests lay in that direction. The Governor expressed a doubt whether he had the power to grant a free pardon to one who was constructively a prisoner of the Crown, but was beyond the limits of his jurisdiction. However, he eventually gave the prisoner the benefit of the doubt, and issued a formal pardon, which on his recommendation was subsequently confirmed by the Secretary of State. As soon as Wedge had forwarded his despatch to Launceston and seen Henry Batman and his family temporarily housed, he set forth on the surveying expedition which eventually resulted, as already shown, in discovering the party of the *Enterprise* on the Yarra. After leaving them he extended his investigations in the direction of Mount Macedon, and bearing away to the west he worked round towards the upper reaches of the Werribee, which he crossed in the neighbourhood of Bacchus Marsh, passed over the plains to Geelong, and so reached his camp at the end of a week's arduous marching, with his party half starved and thoroughly knocked up. Here he recruited for a while, and on the third day after his return the *Mary Ann* arrived from Launceston, bringing letters from his associates and the Governor's pardon for Buckley.

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After full consideration of the course to be adopted towards the "trespassers," Wedge decided that it was necessary for the protection of the interests of the Association to move his camp to the Yarra, and he accordingly availed himself of the presence of the *Mary Ann* to facilitate the transport. Adverse winds prolonged the journey now performed by excursion steamers in a couple of hours to as many days, but on the 14th of September the little craft entered the Yarra, and in a few days the whole party, Batman and his family, the uncouth Buckley and the white and black retainers of the Association were housed in various shanties clustered together about the spot where Bourke and William Streets now form their junction. A house of rough-hewn logs, the crevices plastered with clay, was soon afterwards commenced for Batman on the slope of the hill which bore his name—until it was levelled to make a railway-station yard—and this house later on acquired the additional dignity of a brick chimney built by William Buckley, who had learned the trade of a bricklayer about half a century before. And so the contending claimants for the soil sat down together and waited further developments. The various sod huts and temporary shelters in which they were domiciled were all on the high land, within a hundred yards of where St. James's Cathedral was afterwards built, but their juxtaposition did not lead to any breach of the peace. Wedge anticipated that when Fawkner arrived in person, he would be able to persuade him to transfer his party to the other side of the river, which the Association did not claim to possess, and Lancey and Evans were probably equally confident that Fawkner would be the bearer of the news that the Government declined to take any notice of the aboriginal grant. In the meantime, in presence of the greater danger which threatened them in the shape of several hundred stalwart and occasionally bellicose savages, the junction of their small forces was doubtless not unpleasing to either of the parties. How little this contending handful of white men imagined what a vast superstructure was to rise on their poor and squalid foundations, and how absolutely they must have underrated the value of their discovery in cherishing the belief that either party could hold it against the inrushing tide of earth-hungry immigrants!

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Gratified to find that the two parties could be left in apparent unity, Wedge embarked once more in the *Mary Ann*, and after revisiting the Bellarine Peninsula took a run along the coast to Portland Bay, where he interviewed the Hentys and made some sketches of their homestead and whaling station, had a look at Port Fairy, and finally reached Launceston to submit to his associates the proposed divisions of their great possessions.

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CHAPTER VI.

THE FIRST YEAR OF THE SETTLEMENT.

Up to this point the annals of the fairest province of Australia had little to record in the matter of colonisation properly so called. There had been explorations and official surveys, and more than one half-hearted attempt by Government to plant a penal establishment under conditions likely to repel the free settler. But the tidings of the new venture on the banks of the Yarra, its prospective advantages, fertile surroundings, and apparent immunity from hostile attack by the natives, stimulated the emigration fever which had seized upon the colonists of Van Diemen's Land.

Fawkner, anticipating a rush of passengers, at once advertised the early departure of the *Enterprise* on her second trip, and determined this time to go over himself accompanied by his wife, emphasising his intention to stay by taking with him the material for a weather-board house, and other appliances of civilised comfort. The advertisement of the "fast sailing schooner" contained the intimation that persons of moderate capital wishing to migrate to a fertile, open country, possessing a most enviable climate and immense plains, would find this a most desirable opportunity, full particulars of which would be open to those who might desire to settle there on application to John Fawkner, Junior. Whether the community generally resented the idea of being under the direction or patronage of Fawkner, or doubted his ability to protect them if they intruded on the domain claimed by Batman's party, is not evident, but it is certain that the invitation was not largely responded to. When the schooner finally cleared out from Launceston on the 25th of September, she had only three passengers in addition to Mr. and Mrs. Fawkner and the wife and two children of Captain Lancey. It was the 10th of October before the *Enterprise* was again moored by the Yarra bank, and selecting

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a site nearer to his vessel than those already built upon, almost immediately in the rear of the present Custom House, Fawkner proceeded to erect the imported house, and to put himself in evidence as the "father of the settlement". The Association through which he claimed to have vicariously founded Melbourne was already practically broken up. Marr, who had returned to Launceston, shortly afterwards went to England, and figured no more in colonial annals. Samuel and William Jackson severed their connection with Fawkner and joined John Aitken and others, becoming eventually prosperous and prominent squatters. George Evans, who had remained on the Yarra, after a careful investigation of the country around, had made his own independent arrangements for sheep farming in the future, and only awaited the arrival of stock. Captain Lancey appears to have retained his connection with Fawkner for a time, but he embarked in the shipping trade between Port Phillip and Launceston, and was lost at sea. The putative father of the party found a grim satisfaction in later years in complaining that all the members of his original band deserted him in his efforts to found a settlement that should be free from the domination of the grasping squatter.

Delighted with the general aspect of the place which his quondam colleagues had selected, Fawkner at once determined that it was the spot where he would end his days. He proceeded therefore to rechristen the river after himself, regardless of the fact that Batman had done the same thing before him, and that Wedge had named it the "Yarra Yarra," under the impression that this was its native appellation. As a matter of fact, Wedge discovered afterwards that the words were applied to any waterfall, meaning "it runs or it flows," and were probably used by the aboriginal guide to call his attention to the rocky falls which formerly existed at the foot of Queen Street. Mr. Gurner contends that the correct native word is "Yanna Yanna," but custom has fixed Wedge's spelling, and the error, if it is one, is likely to be perpetuated.

On more than one occasion, both in published letters and in public addresses, Fawkner averred that he purchased his land from the natives; but he never condescended to give any particulars of his

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negotiations, and the ridicule which he unceasingly heaped upon Batman's transaction of that character would appear to indicate that he attached little importance to a title so acquired. In the eyes of the Port Phillip Association, Fawkner and his party were of course regarded as contumacious trespassers, and even before he sailed from Launceston some of the more fiery of Batman's colleagues suggested that steps should be taken to set the natives upon them to drive them out. The majority at once repudiated any sympathy with such a barbarous and impolitic proceeding. Wedge, who first heard of the suggestion on his return from Port Phillip, immediately wrote an indignant protest, and declared that he would rather retire from the Association at a loss than be identified with any resort to force against the intruders. Batman, Simpson and the other leading members were heartily with him, and the two or three advocates of physical force were silenced if not convinced. The result of a special meeting convened to consider the subject was a memorandum of instructions to Mr. Batman in the following terms :—

" It will be expedient to show Mr. Fawkner the chart, and also the description in the grant from the natives to him, in order to satisfy him that the land occupied by his people belongs to the Association.

" To offer him every assistance, through the natives, in procuring other land for him, and also in removing his goods, etc., and also in the erection of other buildings, and in cultivating even to a larger extent than done by them ; to protect their present crops, gardens, etc.

" If the parties set us at defiance, it will then be expedient to fence them off, so that they may not further trespass ; and by annoying them in that manner compel them to leave, but on no occasion to offer actual violence unless in self-defence.

" It is presumed that when Mr. Batman arrives with such a powerful force the parties will retire. They are as much interested in conciliating the natives as we are, and it will be desirable for them to have a mutual understanding for them to pay a proportion of the tribute, and also to enter into an agreement for mutual protection."

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It is not probable that a sight of the chart or a perusal of the deed had any effect on the dogged Fawkner, but, according to one account, he was open to another form of conviction, for he was bought out for the very moderate sum of £20, and betook himself to the opposite side of the Yarra, where he ploughed some eighty acres, which he cultivated with considerable success. But when he learned that the title of the Association was ignored by the Government, he gravitated back to his old quarters, and once more posed as the " father of the settlement ".

Meanwhile the Port Phillip Association was resolving its nebulous parts into a compact and organised body, strong enough, as they vainly imagined, in purse and prestige to carry their point with the representatives of the Crown. In the first place, Batman, who was the transferee from the aboriginal vendors of the 600,000 acres, executed a deed conveying the same to Swanston, Gellibrand and Simpson in trust for all the members of the partnership. Then the company entered into a formal agreement amongst themselves, setting forth the objects of the proposed settlement, the methods of working it, and the relative interests of the parties concerned. This deed, though dealing with purely supposititious rights, which were never admitted, is one of the most important documents connected with the early annals, for it sets out a scheme of colonisation that had been carefully considered, and, on the assumption that the lands proposed to be dealt with were really lying waste and unsought, had much to recommend it. The 600,000 acres were parcelled out into " undivided seventeenths ". Of these, two were allotted to Batman in recognition of special services, one to each of the remaining members of the Association, and two that remained over were put in the name of George Mercer, " in trust " for future allotment. It was jocosely hinted that one of these was intended as a peace-offering to the Governor of New South Wales, and the other was to be displayed as a bait with which to gain the favour of the British nobleman who figured as Secretary of State for the Colonies. Although, of course, no such barefaced bribery was contemplated, it is not unlikely that the shares were judiciously reserved in the hope that Mercer, during his contemplated mission to England, might be able to induce some person of political in-

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fluence to take an interest with them in the venture. If so, the expectation was certainly not realised, for the steady opposition to their claims, both in England and in the Colonies, prevented the speculation ever rising into the region of a desirable investment.

Batman alone was to be allowed to select his two "seventeenths," the shares of the remaining partners were to be determined by lot. No member of the Association was to be allowed to sell his interest for the space of five years, except to one of his partners in the venture, on pain of forfeiture of all right, title and interest. The provisions for the maintenance of order and safety were admirable. Batman was to have the sole management and arrangements with the natives, and to pay the agreed tribute. He and Wedge jointly were to engage all the servants and workmen, and to fix their wages and duties. These were to be men of specially good character; and married men, to whom preference would be given, were to be accompanied by their wives and families. No liquors were to be landed in the settlement for sale or distribution, except such as were required for medical purposes. A missionary, or "catechist," and a resident medical officer were to be maintained at the expense of the estate, for promoting the morals and health both of the whites and blacks. In case of any dispute, the community stood pledged to accept the arbitration of three persons, one appointed by each of the aggrieved parties, and the third by the arbitrators. Finally, the deed wound up with a declaration that at the end of twelve months the subscribers would agree to adopt such a code of regulations for the government of the settlement as should after this tentative experience be considered requisite by the majority for the two principal objects of the Association, *viz.*, successful pastoral pursuits, and the civilisation of the aborigines.

On the strength of this agreement, which also bound each member to send over within a year 1,000 good sheep, Mr. J. H. Wedge had been despatched to mark out the country for division into seventeen lots, and his map roughly setting forth the small principalities claimed by the adventurers is a production of much historical interest. His work was accomplished during August and September, 1835, finished indeed before Fawkner left Launceston, and the subsequent *pro formâ* distribution of the country amongst

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the members of the Association was approximately as follows: Batman's selection, as might be supposed from his having priority of choice, was certainly the most valuable, as it was by far the largest. It embraced all the land, for a distance of about fifteen miles, north of the Yarra settlement, extending on the westward to the Salt Water River and eastward to the Plenty. It included the rich lands stretching through Broadmeadows up to Bulla, a fine section of the Keilor Plains, and the lightly timbered park-like country about Preston and Epping. Had his title been confirmed to this magnificent estate, and his family been able to hold it until to-day, probably the entire course of settlement in Victoria would have been changed. If not, the Batman family would be the holders of property yielding a revenue quite equal to some of the minor kingdoms of Europe, Of the remaining lots, No. 1, containing the rich volcanic country extending from Gisborne to Lancefield, fell to the lot of Captain Swanston, the Hobart banker. No. 2, adjoining him on the east, to Major Mercer, and blocks 3 and 4, still farther to the east, were the ones reserved for future allotment. Lots 5, 6 and 7, which lay to the south of the first four, between them and Batman's, extending from about Mount Aitken, across by Sunbury, to the neighbourhood of the Yan Yean Reservoir, were appropriated respectively by Messrs. Sams, Solomon and Bannister. Block No. 8, which fell to the lot of Governor Arthur's nephew, appears on Wedge's map to be outside the boundary of the treaty land, lying to the east of the supposed course of the Yarra, and as nearly as can be judged took in the country around Templestowe, and a large portion of what was afterwards known as "Unwin's Special Survey". Nos. 10 and 11, lying to the west of the Salt Water River, and extending to the Werribee, were taken respectively by Messrs. Cotterill and Collicott; and No. 12, a compact block on the Werribee Plains around Mount Cotterill, by Gellibrand. Block 13, which extended from the mouth of the Salt Water River at Williamstown, along the western shore of Port Phillip to the mouth of the Werribee, and back to Gellibrand's section, passed to John Helder Wedge. Beyond the Werribee, Mr. Simpson, the police magistrate, secured block 14, which included the plains to the foot of Station Peak. No. 15, lying between

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the head of Corio Bay and the Moorabool River, was allotted to Mr. Connolly. The Robertson brothers, afterwards well known in connection with their splendid Colac estates, took up No. 16, between the site of Geelong and the Barwon River, and the final allotment, No. 17, situated on the Bellarine Peninsula, was taken by Mr. Sinclair.

But while the country was thus parcelled out into such spacious holdings, and landed estates were being created on paper, destined to have no more permanent foundation, other adventurous spirits, who owned no allegiance either to the Association or to Fawkner, were finding their way across to spy out the land, the rumours of its beauty and fertility having turned the heads of the Tasmanian settlers, and depreciated the value of property in that island nearly 50 per cent. The first of the outside contingent to arrive were John Aitken, James Evans and William Jackson, the last named on his second voyage, he having originally crossed with Fawkner's first party. They chartered a small sloop from Launceston called the *Endeavour*, and followed the *Enterprise* across the Strait, much to the disgust of Fawkner, who was wont to say that they sneaked into the country on his track. Their present object was only to make an exploration of the surroundings of the settlement, and all heedless of Wedge's surveyed subdivisions, they soon decided upon the country they intended to occupy, and shortly returned to Tasmania for stock. Before they left on their return voyage, however, the first material instalment of the flocks and herds on which the prosperity of the new land was to be built had arrived in the *Norval*, a barque of some 300 tons burthen, the largest ship that had yet reached the mouth of the Yarra, too large indeed to find her way up to the settlement. From her capacious hold were carefully hoisted out 500 sheep and fifty head of Hereford cattle, and, a boatload at a time, they were laboriously landed on the scrubby shore now occupied by the substantial piers and docks of Williamstown. By this vessel, which arrived on 26th October, John Batman came over again to superintend the transit and disposal of the stock, and with him were Dr. Cotter, who was to remain as manager-in-charge for the Association, and Messrs. Cowie, Stead, Steiglitz and Fergusson, together with a few extra hands engaged as shepherds.

Although doubtless disconcerted to find Fawkner evidently bent

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on permanent occupation of a portion of the property claimed by the Association, Batman does not appear to have come in any way into collision with him on this visit. He fixed upon a site for the erection of his house, which had been brought over in the *Norval*, for the occupation of Dr. Cotter, doubtless conferred fully with his brother as to the attitude to be maintained towards the intruders, indicated the grazing grounds for the stock and the duties of the shepherds, and then hurried back to Launceston to push on the claim to Government sanction, to arrange for further supplies of stock, to carry out the proposed division of the property amongst the members of the Association, and to wind up his own interests in Tasmania, and transfer them, with his wife and family, to the principality which he thought he had won.

Meanwhile the contending parties on the Yarra were all in happy ignorance of the thunderbolt that had been launched against them from Sydney some two months before. The Lieutenant-Governor of Van Diemen's Land, who, as we have seen, had private as well as official reasons for wishing the Association success, had speedily transmitted Batman's report to the Colonial Office, commending the writer's claim to some recognition in the shape of a land grant, and speaking generally in high terms of the men forming the partnership. He was discreet enough to assume that their claim to a title derived from a purchase from the aborigines could not be recognised by the British Government. He went on to state that, not having seen the Commission of Sir Richard Bourke, he did not know whether Port Phillip was included in his jurisdiction. If so, he was satisfied that everything that was proper would be done to vindicate the rights of the Crown. But if it were not within the boundaries of New South Wales, then he recommended that a military officer should be sent from Hobart with a small establishment to see justice done to the natives, to duly control any "squatters," and to adjust the preliminaries for its occupation under such regulations as the British Government deemed most desirable. He recognised that the "Company" was already proceeding to take possession, and as probably other individuals would follow that example, he urged the importance of being made acquainted at the earliest period with the views which His Majesty's

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Government entertained upon this very important subject. When the news reached Sir Richard Bourke that his subordinate had written to the Colonial Office, in this vindicatory style, of a raid that had been made on the country under his rule, the official mind was stirred to its depths, and on the 26th of August he asserted himself in the following unmistakable

PROCLAMATION.

"Whereas it has been represented to me that divers of His Majesty's subjects have taken possession of lands of the Crown, within the limits of this Colony, under the pretence of a treaty, bargain or contract for the purchase thereof with the aboriginal natives. Now, therefore, I, the Governor, in virtue and in the exercise of the power and authority in me vested, do hereby proclaim and notify to all His Majesty's subjects, and others whom it may concern, that every such treaty, bargain and contract with the aboriginal natives as aforesaid, for the possession, title or claim to any lands lying and being within the limits of the Government of the Colony of New South Wales, as the same are laid down and defined by His Majesty's Commission, that is to say, from the Northern Cape, or extremity of the coast, called Cape York, in latitude 10° 37″ south, to the southern extremity of the said territory of New South Wales, or Wilson's Promontory in latitude 39° 12″ south, and embracing all the country inland as far as the 129° of east longitude, reckoning from the Meridian of Greenwich, including all the islands adjacent in the Pacific Ocean, within the latitude aforesaid, and including also Norfolk Island, is void as against the rights of the Crown; and that all persons who shall be found in possession of any such lands as aforesaid, without the license or authority of His Majesty's Government for such purpose first had and obtained, will be considered as trespassers and liable to be dealt with in like manner as other intruders upon the vacant lands of the Crown within the said Colony.

"Given under my hand and seal at Government House Sydney this 26th day of August, 1835.

"Richard Bourke.

"By His Excellency's command, Alex. McLeay.

"GOD SAVE THE KING."

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This denunciatory manifesto was not, however, followed up by any overt action. It was probably not expected that it would have any material effect upon the adventurers, but it was a solid basis for future action in dealing with them when the reign of law and order should be eventually established. Indeed, unless the Governor had been in a position to blockade the coast, or to land a force on the banks of the Yarra to drive the people out, he could do nothing but remonstrate or threaten. And when he saw how very much in earnest the colonists were in their efforts to acquire a more abundant pasturage for their increasing flocks, he had the good sense to recognise that the idea of concentration so favoured by the Colonial Office was not suitable to the great industry for which from the outset the Australian colonies were recognised as being specially adapted.

A few weeks after the issue of the proclamation, before it had been heard of in Port Phillip, on the 10th of October, the very day of Fawkner's arrival in the Yarra, Sir Richard Bourke addressed a lengthy despatch to the Colonial Minister, Lord Glenelg, setting forth the particulars of what he calls the "intrusion" upon part of the territory under his Commission. He states that he leaves to Colonel Arthur, who entertains a favourable opinion of the parties, the representation of their personal character, views and resources, but considers it incumbent on himself to protest against any consequences, derogatory to the rights of the British Crown, which might be imagined to flow from the alleged treaty. He will probably not see cause to take any further steps in the matter until he receives his Lordship's commands upon the subject. But he considers there are weighty objections to Mr. Batman's proceedings, on account of the absence of any provision for the control and government of the inhabitants of the intended settlement. He thinks it hopeless to expect that any precautions Batman can adopt in the choice of servants and shepherds can preclude occasional disorders amongst a population wholly released from legal restraint, and unless supported by the interference and protection of Government, he is satisfied the undertaking must in the end prove a disastrous failure. He then proceeds at length to review the policy of limitation of the area of settlement which has

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hitherto been pursued, and gives cogent reasons for its reconsideration. He points out that the wool of New South Wales forms, and is long likely to continue, its chief source of wealth. It is only by a free range over the wide expanse of native herbage that the production of this staple can be upheld at its present rate of increase, and the proprietors of thousands of acres are already finding it necessary to send large flocks outside the present authorised boundaries of location to preserve them in health and condition. One of two courses must be followed if the present restriction is maintained: either the settlers must restrain the increase of their flocks, or they must raise artificial food for them, and either course would seem to be a perverse rejection of the bounty of Providence. But, even apart from these strong reasons for allowing dispersion, he felt it was useless to ignore the fact that the Government was powerless to prevent it. The attempt to enforce the permanent removal of intruders from waste lands would probably cost more than would be sufficient to provide for the control and protection of the Government over the country they desired to occupy. The question he had to consider was, how could the Government turn to the best advantage of the colony a state of things it could not wholly interdict? On the whole, he ventured to think it would be more desirable to impose on Mr. Batman and his associates reasonable conditions of occupation, rather than to insist upon their abandoning their undertaking. With some doubts as to whether the step is not premature, he is inclined, in consideration of the capital expended by Mr. Batman and party, to recommend the early occupation of Port Phillip. He would propose, therefore, that a township should be marked out in some eligible spot on the coast to which Mr. Batman's party had proceeded, and that the town allotments and a portion of the adjoining territory should be open to location under the existing regulations, feeling assured that considerable purchases would at once be made. Instead of applying the proceeds of such sales directly to the encouragement of emigration, as was the practice, he thought at first it might be diverted towards defraying the necessary expenses of the survey and the allotment of the land, and the pay of a police magistrate, constabulary force and officer of customs. It is creditable to the

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Governor also to observe that he earnestly recommends provision to be made from the beginning for schools "in which the children of persons of different religious tenets may be instructed, as in Ireland". He shows himself to be a shrewd man of the world by adding: "The means of education being secured, I should feel disposed to leave it to the voluntary contributions of the inhabitants to provide for churches and clergy".

While this despatch, so weighty with the fortunes of the new settlement, was on its way to the other side of the world, to be dealt with by His Majesty's advisers, John Batman, who was winding up his affairs in Launceston, again approached Governor Arthur on the question of Government protection. He fully realised the possibility on his return to the Yarra of a conflict of interests between the Association and Fawkner's party, or other independent adventurers, and his letter to the Lieutenant-Governor, dated 25th October, set forth very temperately the necessity for an immediate official recognition of the new territory, and some provision for the maintenance of law and order. He dwelt upon the fact that the Association had two ships engaged in the transportation of stock and stores, and that within six months they would have property there to the value of £25,000, a fair indication of the great importance which the colony might be expected to attain. Their own arrangements for the control and administration of the settlement were all that could be desired, but he feared that without some recognised authority the interlopers who had recently, in defiance of previous occupation, fixed themselves on a part of the territory would materially check, if not destroy, the principles of colonisation laid down by the Association. He touched upon the benefits already derived by the natives, from eighty to a hundred of them having been clothed and supplied with daily rations by his party; and he intimated that the co-partnery would most cheerfully defray such portions of the expense connected with the supervision as the local Government might consider fair and reasonable.

Governor Arthur, who appears to have still retained a hope that he might be admitted to some share in the control of the new settlement, at once transmitted Batman's application to Sydney, and while admitting that, strictly speaking, the Association was not

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entitled to any protection from the Government, being unauthorised intruders, yet, from considerations of humanity, he hoped something might be done in the direction indicated, and wound up by stating that it would afford him great pleasure to be able to co-operate with Sir Richard Bourke for the purpose of conferring upon the settlers of "Dutergalla" the indispensable advantages of a power to carry laws into force, and to protect their lives and property. But Governor Bourke was in no humour to be concussed into taking action. He called his Executive Council together on the 17th of December, and laid the papers before them, together with a copy of his despatch to Lord Glenelg, and the Council promptly declined to take any steps until His Majesty's commands should be received as to the ultimate disposal of the settlement. As the course of post with the mother-country was then from eight to ten months, matters had come to a temporary dead-lock, and the intruding settlers were left to their own devices. And even the prospect of having to take the law into their own hands did not in any way check the emigration fever which had seized upon the settlers of Van Diemen's Land, who continued to find their way across the Strait in ever-increasing numbers. Amongst the earliest to arrive on the scene of action was the ex-Attorney-General, Mr. J. T. Gellibrand, one of the leading spirits of the Association, whose journal of his visit is the most extended as well as the most interesting of all the letters of the early pioneers. He left Launceston on the 17th of January, 1836, in the *Norval*, accompanied by his son Thomas, Messrs. Wm. Robertson, Gardiner, Leake, Malcolm and Mudie, and about 1,200 sheep, the property of Captain Swanston. The passage was exceptionally stormy and disastrous. At the end of a week they were off Cape Schanck, with the loss of 115 sheep from suffocation, and the hay having been swept overboard, they were under the necessity of keeping the others alive on the unusual diet of flour and water. To save them it was necessary to cut the journey short by landing in Western Port. Diligent search was made for the most suitable place, but though grass was abundant they could find no fresh water. Further delay was impossible, and finally, under many difficulties, they succeeded in landing over a thousand on the droughty shore.

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The shepherds were unable to prevent them straying, but towards nightfall the whole party turned out to gather them in, and succeeded in camping about 800 on a neck of land where they could be confined. But during the night, while the shepherds comfortably slept, the sheep broke bounds, and in the morning there were none to be found. A long and fatiguing search, involving some fifteen miles of tramping under a scorching sun, resulted fruitlessly, but late in the evening the captain and young Gellibrand came upon the carcasses of 280 which had perished miserably in the muddy waters of a salt-water creek. The whole party were ill from exhaustion, and Mudie, who was in responsible charge of the stock, succumbed to a violent fit of hysterics. After fully considering their position, it was decided to leave Mr. Mudie and his shepherds at the site of the old settlement of 1827, with a supply of stores, that he might endeavour to recover the remainder of the sheep, while the others should proceed overland to the settlement and send a vessel round to bring them to the Yarra when mustered. The party were eight in number, armed, and loaded with such provisions as they could carry and one bottle of water each. The weather was intensely hot, and it took them three days to reach the Yarra, having suffered much from thirst, and on more than one occasion some of the party had lain down with an intimation that they could go no farther. However, on the 31st of January, following the shore of the bay, they came in sight of the mouth of the Yarra, and here Gellibrand, being unable to walk any longer, sent off the strongest of the party to the settlement and waited on the banks of the river for relief. A boat, rowed by blackfellows on the way down to the bay to fish, passed them, and, on being hailed, took them on board and up to the embyro township. Not much of a place to look at as yet, but still a grateful haven of rest to the footsore and famished travellers. "About a dozen huts built with turf on the left bank of the Yarra" is Gellibrand's laconic description. But he underrated its importance, for two of the houses were of weather-board, one occupied by Dr. Cotter, near the site of St. James's Church, the other the general store and grog shop of the settlement, where John Fawkner ministered to the people's wants. For the housing of the rest "wattle and daub"

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did duty until such time as the coming surveyor should indicate in what direction the streets should run. And in the valley of Elizabeth Street, and on the thickly timbered slopes beyond, the smoke went up from many a camp where the attraction of the white man's "tucker" had gathered the vagabond aborigines. The total white population was under fifty, but they already had over 100 head of cattle, 1,400 sheep, six horses and a stock of poultry. Three stations had been formed within a radius of ten miles, named after their proprietors, Connolly, Swanston and Solomon, and the country had been explored northward for fully twenty miles with most satisfactory results. A barque, two brigs, four schooners and a cutter were already engaged in passing to and fro across the Strait, bringing the necessary supplies, and on every trip adding to the live stock and the human population. Gellibrand's visit was a preliminary one of inspection, but before starting on his journey he engaged Mr. Fawkner's vessel, the *Enterprise*, to go round to Western Port and bring up Mudie and his shepherds with the remainder of Swanston's sheep. The unfortunate overseer was, however, not destined to see the settlement. He had only recovered some seventy head out of the 1,000 originally landed, and while in a dejected mood he was assisting to place them on board the schooner, his boat capsized, and he, with the two other occupants, was drowned.

Long before the melancholy news reached the settlement, however, Gellibrand had started on his inspection of the Association's "properties". He first of all had a long interview with the reticent William Buckley, and extracted from him by painfully slow degrees all the information obtainable about the numbers and disposition of the natives. He found the semi-savage to be of a suspicious and irritable disposition, but considered that by kindness and conciliation he might be attached to the service of his countrymen, and of great value in conducting the negotiations with the aborigines. He offered Buckley the position of guide and interpreter in connection with his trip, and having overcome his preference for indolence by providing him with a horse to ride, they started off on the afternoon of the 2nd of February towards Geelong, their ultimate destination being Batman's original camp at Indented

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Head. The party numbered seven in all, including four of Mr. Gellibrand's shipmates and his son Tom, and the diarist becomes quite eloquent over the beauty of the country adjacent to the settlement. The scenery, he says, about the ford on the Salt Water River is in some spots quite enchanting, the land very rich, a succession of gentle hills and dales. The first view of the river and its windings is "beautiful beyond description". But from the ford to the first station on the Exe, a distance of fourteen miles, it was flat and rather rocky, and thence all the way to Geelong open plains thinly grassed and exposed to cutting winds. The station on the Exe was on the boundary of Gellibrand's allotment, so they camped here for the night, and next day made an early start across the plains to the head of "Geelong Harbour," where another of the party, William Robertson, was gratified with a first view of his domain (No. 16), extending from there to the Barwon River. Another night's bivouac and the next morning found them travelling over the Bellarine Hills towards Indented Head, over the land reserved for Mr. Sinclair.

They reached the turfed huts of the settlement late in the afternoon, and found the solitary bailiff in charge of the place in a condition of hostility with the surrounding country. The natives had stolen a quantity of potatoes out of the garden, and on discovering his loss the surly custodian had threatened to shoot any of them he saw about the place. In consequence of this they had all cleared out, and Gellibrand was greatly displeased to find that the arrangement for supplying them with provisions and so retaining their good-will had not been carried out. On the following day, when they started on their return journey, they were anxious to find some of the natives and reassure them. To prevent their taking alarm at the sight of armed white men, Buckley was ordered to keep some distance in advance, and after they had ridden a few miles in his track they saw him stop at a native well, and hurried up in response to his "cooey". "When we arrived at the spot," writes Gellibrand, "I witnessed one of the most pleasing and affecting sights. There were three men, five women and about twelve children. Buckley had dismounted, and they were all clinging round him, and tears of joy running down their cheeks. It

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was truly an affecting sight, and proved the affection which these people entertained for Buckley. Amongst the number were a little old man and an old woman, one of his wives. Buckley told me this was his old friend with whom he had lived and associated for thirty years. I was surprised to find that this old man had not a blanket, and was much concerned to learn that no blankets had been given him because he did not leave that part of the country and proceed to Dutigalla for it. I could ill spare my blankets for him, but I could not refrain from giving one of them to Buckley in order that he might give it to his friend, with an assurance that he should have further clothing after our return. . . . We gave them a few presents and then left them to proceed on our journey."

They made their way down to the mouth of the Barwon, and following up its course camped for the night on the banks of Lake Connewarre, continuing on the next day to the Buckley Falls and over the Barrabool Hills. This they considered the best sheep country they had yet seen. Another night was passed on the banks of the Yallock Creek, a tributary of the Barwon, and on the following day they started across the plains for the Anakie Hills. From the summit of the highest hill they commanded a most charming prospect of undulating lightly timbered country, abundantly watered by the Exe. They descended on the north side of the hills and worked their way round to the shepherds' hut on Captain Swanston's selection by nightfall. From here they made a hurried inspection of the lands allotted to Messrs. Cotterill and Collicott, and on the following afternoon regained the settlement on the Yarra. What they thought of the country traversed may be gleaned from the following extract from a letter written by Gellibrand to a friend in Van Diemen's Land :—

"I have been for three weeks surveying every section of the Company's land. The whole country is of the most beautiful description and the lands of the best quality ; in fact, every point of Batman's account is correct. M——'s I have been over, and you may inform him that it is in my judgment the finest of the whole ; it is well watered, and there is a vale, which I have named Mercer's Vale, of about 15,000 acres of the finest and richest

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land I have ever passed over. S——'s, M——'s and mine all join; they contain about 200,000 acres, and I assure you, there is not an acre of bad land upon that quantity. I never saw such a beautiful country in my life, and no exertion or price ought to be spared in securing it. We limited Mr. M. to £50,000, but it will be cheap at £100,000."

No doubt such a property was worth fighting for, but this letter is almost the only indication of the extent to which some at least of the members of the Association were prepared to back up their claims by a really substantial payment, nor does it appear from Mr. Mercer's negotiations in the mother-country that he ever publicly disclosed the powers he was armed with.

After an exhaustive and entirely satisfactory examination of all the properties, during the later period of which Gellibrand crossed and named the Plenty River, he sailed again for Launceston on the 17th of February to convey to his colleagues the glad tidings of their prospective prosperity.

In March John Aitken was back again with stock, but he did not trouble the "settlement," as the village on the Yarra was then called. The *Chili*, brig, which he had chartered to bring over his 600 sheep, took the ground in the South Channel, and they had to land the sheep at the foot of Arthur's Seat. About eighty natives of the Western Port tribe, attracted by the unwonted sight, evinced quite an energetic friendliness, not only assisting to get the sheep ashore, but some of them volunteering in the combined character of guide and shepherds to bring the party to the Yarra. Where they forded the river is not on record, but with an utter disregard of any supposed rights Mr. Aitken led his fleecy contingent across the partitioned country till he lighted upon a spot which pleased, about half-way between Sunbury and Gisborne, where a prominent hill, to which Governor Bourke afterwards gave the name of Mount Aitken, marked the locality of his station. True, it was actually on Lot 5, which had been awarded to Mr. Sams, but he was not in possession, and his claim was so far only shadowy. Here Mr. Aitken sat down and prospered for more than twenty years. By purchase he eventually secured an extensive freehold property in the neighbourhood, though Mount Aitken and its

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immediate surroundings was included in W. J. T. Clarke's "Special Survey" in later years.

And now the tide began to flow rapidly, the little fleet of brigs and schooners hurrying to and fro, bringing ever-increasing supplies of sheep and cattle, mostly belonging to members of the Association, but supplemented by contributions of substantial independent settlers, who relied upon finding suitable country which was not included in the great aboriginal concession.

Immediately after the landing of Aitken, Dr. Thomson, who had sent over the first consignment of cattle in the *Norval*, arrived with his family. He was the resident medical officer of the Association, and combined with that function the duties of catechist or missionary. In his contribution to the *Letters of the Early Pioneers*, Thomson claims to have been appointed the first public arbitrator, although, as we shall see later on, that honorary position was conferred at a public meeting on Mr. James Simpson, who arrived a week or two later from Launceston.

Before he had been a month in the settlement, Thomson set on foot a subscription for the erection of a place of worship, and in due time a weather-board predecessor of St. James's Cathedral was commenced on that site. The doctor soon afterwards found his way down to Geelong, where he established a sheep station on the site of the present town, and looked after a fine herd of cattle which he was running in the country around Indented Head for Captain Swanston.

On the 20th of April John Batman returned in the *Caledonia* to take up his permanent residence on the scene of his discoveries. He was accompanied by his wife and family, and their governess, Miss Newcombe, and was soon occupying a house on the slope of the hill named after him, which formerly stood at the foot of Spencer Street. The situation was a pleasant one, commanding a view above the fringe of ti-tree of the lightly timbered rise to which the name of Emerald Hill was given, and a large garden running down to the river was liberally planted with a variety of fruit-trees.

With Batman arrived also Mr. James Simpson and the Rev. Joseph Orton, a Wesleyan minister, who was animated by a strong

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missionary zeal in the direction of the aborigines. Though the little settlement had not been without occasional lay expounders of the Scriptures, and opportunities of improvised social worship, Mr. Orton conducted the first regular clerical service in the nascent township, preaching both in the morning and afternoon of Sunday the 26th of April. Mr. James Simpson officiated as clerk, and Dr. Thomson led the singing. The morning service was held in Batman's house, but the afternoon congregation, swelled by the advent of some of the so-called "Jagger Jagger" tribe of natives, numbered somewhere about fifty, and was necessarily conducted *al fresco*. Amongst the auditory was one of the "chiefs" who had conducted the great land sale to Batman. The reverend gentleman says the natives sat very quietly throughout, and appeared particularly interested in the singing. It may be readily assumed that it made more impression on them than the theology.

Many resolute adventurers, whose names were destined to prominent association with the successful building up of the community, found their way across the Strait in the first half of 1836. The mere list would fill a considerable space, but it will be sufficient to say in general terms that most of them brought property in the shape of live stock, and added materially to the sense of substantial prosperity which the settlement had acquired before its official recognition. Those who became identified with the government of the country, or acquired special prominence in the development of any of its resources, will be more particularly referred to in the course of this narrative. It is only necessary here to point out, that so far the settlement was practically an overflow from Van Diemen's Land, the infiltration from the "Sydney Side," as it was long called, by the overland parties not being apparent until the following year.

With a scattered population of about 150 souls, the bulk of whom were shepherds, servants and labourers, each man a law unto himself, it might be supposed that the peace would often be disturbed, and the maintenance of order and discipline be found difficult. But this was by no means the case, and it speaks well for the judicious selection made by the Association of their servants, that the utmost good order and sobriety prevailed. The chronic

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irritation which the rival claims of the Association and the Fawkner interlopers tended to keep alive did not break out into overt acts of violence, and the good sense of the settlers is shown by their readiness to submit to the arbitration of their trusted colleagues those disputes which to-day would involve the interference of the magistrate's court. The first recorded case of the kind is an award, dated 2nd May, 1836, which is thus quoted by Mr. G. W. Rusden:—

"We award in the disputes between Mr. Henry Batman and Mr. John Pascoe Fawkner—on the first claim, Thirty Shillings, on the second claim, nothing, although a strong presumption is in our minds that some hasty expressions of Mr. Batman's may have led Bullett to destroy the rabbits. On the third claim, damages Five Shillings, and a fine of Twenty Shillings, in consideration of it being an act of unauthorised aggression, and in the fourth claim, nothing, as it does not appear that Mr. Batman set the dogs on the calf. We cannot omit remarking that there has been a degree of forbearance on the part of Mr. Fawkner highly gratifying to us, and if generally practised very conducive to the general good.

(*Signed*) "A. Thomson.
"John Aitken.
"James Simpson.

"*Mem.*—The fines to be appropriated to some general purpose."

There is a ring of Arcadian simplicity in this, though it will be noted that the tribunal ignored the sensible legal maxim, "give your decision, but never give your reasons".

But even while these praiseworthy attempts at local self-government were being initiated, Sir Richard Bourke, uneasy at the news which reached him of the open defiance of his proclamation, and the rapid growth of settlement outside the pale of Government supervision, determined to send an officer to inspect and report to him the true state of affairs. On the 4th of May he commissioned Mr. George Stewart, a police magistrate of Goulburn, New South Wales, to proceed to Port Phillip in the revenue cutter, *Prince George*, and that gentleman reached the bay on the 25th of the same month. His report, furnished to the Governor on the 18th

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of June, is full of interest, and contains the first official statistics of the settlement. It has been reprinted at length by Mr. Labilliere, Mr. Bonwick and others, and therefore a synopsis will serve the present purpose.

On the second day after passing through the Heads Mr. Stewart fell in with Mr. John Helder Wedge, who was sojourning at Batman's original settlement at Indented Head. From him he gleaned much information about the aborigines and their treatment by the settlers, a subject which occupies a considerable portion of his report. It was not until the 1st of June that he reached the settlement on the Yarra, and he made it his first business to distribute copies of the Governor's proclamation for the benefit of the trespassers. He describes the town as situated "on the left hand of the Yarra Yarra, about seven miles from its mouth, which at present consists of thirteen buildings, *viz.*, three weather-boarded, two slab and eight turf huts," and he calls it "Bearbrass". This unmeaning name, probably an attempt to write the sound of some aboriginal word, never acquired any permanent recognition, and was probably used by Stewart under some misconception. The place had been facetiously referred to in the Launceston papers as "Batmania" and "Dutergalla," but in common parlance it was called "the settlement" until the Government bestowed upon it the name of the English Premier of the day. The European population numbered 142 males and 35 females, of whom nine were proprietors claiming under Batman's treaty with the natives, twenty-four were independent settlers disregarding that treaty, and the balance was made up of the families and servants of this territorial aristocracy. The number of sheep at this date was computed at 26,500, horses 57, and horned cattle about 100, the value of the whole, including farming implements, etc., representing an investment of fully £80,000. In the twelve months that had elapsed since Batman's first discovery, this energetic little body of adventurers had spread over an area of about one hundred miles of country, had established many stations within that radius, and even pushed their explorations some seventy miles to the north. The general tenor of the report is favourable to the settlers, who are accredited with humane and judicious treatment of the aborigines, and with a

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stern desire to keep the country free of any convict taint. The only blot in the administration of affairs which the official eye detected was that tobacco and spirits were being smuggled into the country by the traders from Van Diemen's Land to such an extent as to warrant the establishment of a branch custom house. It seems rather like beginning Government supervision at the wrong end, but coupled with the disclosure of the substantial progress of the community, and their strongly expressed desire for official recognition and protection, it was impossible for Sir Richard Bourke to continue to ignore their existence. On the very day that Mr. Stewart arrived on the Yarra, an impromptu Parliament of the principal inhabitants was assembled to formulate a provisional government and to arrange for their future protection. The account of the proceedings is published by Mr. Bonwick from a manuscript in his possession, and is confirmed by another copy published by Mr. Henry Creswick in the *Australasian* of 20th December, 1873. It is certainly of sufficient interest to justify its reproduction in full, and the names of those present indicate that in matters affecting the general weal, the strife and jealousies that had animated the rival claimants to the soil were kept entirely out of sight.

"At a meeting of the residents at Port Phillip, held on the 1st of June, 1836, present, John Batman, John H. Wedge, John P. Fawkner, Jas. C. Darke, John Wood, Fred. Taylor, David R. Pitcairn, Wm. Diprose, Thos. Roadknight, W. G. G. James, John Aitken, Alex. Thomson, Joseph Sutherland, Wm. Roadknight, James Simpson and G. Mackillop.

"Mr. Simpson having been elected chairman, it was proposed by John Fawkner, seconded by John Wood, and carried unanimously, that Mr. James Simpson be appointed to arbitrate between individuals disputing on all questions, excepting those relative to land, with power to him to name two assistants whom he may deem fit.

"It was proposed by J. C. Darke, seconded by J. H. Wedge, and carried unanimously, that the arbitrator or arbitrators be empowered to impose any fine that he or they may think just and proportional to the injury complained of,

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"Proposed by John Fawkner, seconded by Alex. Thomson, and carried unanimously, that all subscribing parties to these resolutions bind themselves not to cause any action at law or equity against the arbitrator or arbitrators for any act he or they may perform in the execution of the duties hereinbefore imposed upon him or them.

"Proposed by John H. Wedge, seconded by John Aitken, and carried unanimously, that the residents not present at this meeting be invited to become parties to these resolutions.

"Proposed by David R. Pitcairn, seconded by Alex. Thomson, and carried unanimously, that all parties do bind themselves to communicate to the arbitrator any aggression committed upon or by the aborigines that may come to their knowledge by the earliest opportunity, and that he be empowered to proceed in the matter as he may think expedient.

"Proposed by John H. Wedge, seconded by John P. Fawkner, and carried unanimously, that all subscribing parties pledge themselves to afford protection to the aborigines, to the utmost of their power; and further, that they will not teach them the use of firearms, or allow their servants to do so, nor on any account to allow the aborigines to be in possession of any firearms.

"Proposed by Alex. Thomson, seconded by John Batman, and carried unanimously, that the arbitrators collect all fines, and hold them until the next general meeting of the settlers on the first day of September next.

"Proposed by Thos. Roadknight, seconded by John Aitken, and carried unanimously, that the destruction of wild dogs being of great importance to the colony, a reward of five shillings be given for every head of the same, and that a fund be raised by subscription for that purpose, the master's certificate being sufficient proof of the destruction.

"Proposed by John P. Fawkner, seconded by John H. Wedge, and carried unanimously, that a petition be presented to Governor Bourke praying him to appoint a resident magistrate at Port Phillip, and that he will be further pleased to appoint from among the residents here other gentlemen to assist him when required."

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Thirty-one signatures were appended to this first attempt at legislation in the settlement, and the assembly which adopted it met in the newly erected house of John Batman. It is probable that Mr. Stewart was present at the meeting as a spectator, but it is certain that the resolutions were duly submitted to and highly approved by him. He departed for Sydney a few days afterwards, fully impressed with the importance of the new territory, and pledged to further the claims of the settlers to Government recognition. But Sir Richard Bourke, having referred the matter to the Colonial Office, could not act until he received the reply which was already on its way. During the intervening months of waiting, however, the tide of immigration continued to flow steadily, many resolute men, and a considerable amount of valuable stock, arriving every week. At length the anticipated despatch of Lord Glenelg, dated 13th April, arrived in Sydney. It is a verbose and discursive state paper, a large portion of which is a feeble vindication of his predecessor's views on the necessity for concentrating settlement in the Colonies, while admitting that from later information which he has gained he must regard such a policy as unsuitable to the prevailing form of Australian industry. He therefore sees nothing for it but to accept the inevitable, and to authorise the Governor to carry out his suggestions with regard to Port Phillip and Twofold Bay. He limits his instructions to a general concurrence in Sir Richard Bourke's views, and leaves all details to him. But he offers an unexpected stimulant by the intimation that, from correspondence he has had with some gentlemen interested in the subject, he anticipates that the settlement at Port Phillip will probably be reinforced by a large number of emigrants, and a considerable introduction of capital from Scotland.

With his hands left free the Governor lost no time in carrying out the plans which he had perfected at leisure, and was no doubt gratified at being able to respond to the wishes of the denizens by the Yarra. On the 9th of September he issued a proclamation notifying that His Majesty's Government had authorised settlement at Port Phillip under the same Crown lands regulations as were in force in other parts of New South Wales, and that he had appointed

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Captain William Lonsdale of the 4th King's Own Regiment to be Police Magistrate for the district. A week later he advised the Colonial Office that he had promptly despatched the *Rattlesnake*, Captain Hobson, to convey Lonsdale to his new sphere of action, and had arranged for the necessary military guard and civil staff.

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CHAPTER VII.

THE FIRST ATTEMPT AT GOVERNMENT.

Captain William Lonsdale, who for nearly three years acted as the deputy of vice-royalty, and practically exercised the functions of a Lieutenant-Governor, without the pay or prestige of the position, was a man of kindly intention and genial temperament, at this time somewhat past the prime of life. From the conflicting statements which had from time to time reached Sydney, he was by no means certain whether his mission would be favourably regarded, and Sir Richard Bourke, who thought it possible that some resistance might be offered to the establishment of authority, directed him to apply to Captain Hobson for the marines of the *Rattlesnake*, if necessary, to overawe any attempted lawlessness. The precaution was, however, quite unnecessary, for Lonsdale found the little community very orderly, the only indication to the contrary being the tearing down of the proclamation which he had caused to be posted in the town, probably the work of some mischievous youngsters. He mentions that one of the first persons who made himself known was Dr. Thomson, the medical superintendent and "catechist," who called upon him, with a formidable pair of pistols in his belt, and expressed much gratification at his arrival, as the people were, he said, in a lawless state, and he was always in dread of being assaulted. This is certainly quite at variance with Dr. Thomson's statement as published in his letter to Latrobe in 1854, wherein he praises the quiet behaviour of the people. And, as a matter of fact, nearly all the inhabitants above the rank of servants were men deeply imbued with a sense of the importance of their mission. Resolute, adventurous and undaunted by difficulties, they were the right material for nation building. With all the courageous enthusiasm that inspired the Pilgrim Fathers of New England, they were

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not fettered by the narrow fanatical dogmatism of that colonising band. Moreover, they had not to endure the same cruel contest with a rigorous climate, a hungry and unresponsive soil, or to fight their way against crafty and tireless aboriginal enemies. On the whole, they possessed far more actual wealth in this world's goods, and they brought it to a land where it would fructify with little labour beyond active superintendence. Hence, in two decades they had accomplished almost as much as their famous Puritan prototypes had done in two centuries. Everything was in their favour, and despite the resistance of the Government, the tide bore them on to fortune.

The instructions which Captain Lonsdale received from his chief were very full and explicit. He was to have the general superintendence of the new settlement in all such matters as required the immediate exercise of the authority of the Government. He was to be supported by a small detachment of troops, the officer in command of which was also to be appointed to the commission of the peace, in order to assist him in judicial matters when the law required two magistrates to act. In addition to the usual official returns and reports, he was required to furnish on the last day of each month a special and confidential report, direct to the Governor, of every important transaction occurring during the month of which the Governor ought to have cognisance. Immediately after the arrival he was to cause an accurate census of the inhabitants to be taken, specially noting those who have occupied the land by erecting premises or grazing stock. Especially was it impressed upon him that one of his most important duties was to protect the aborigines from any manner of wrong, and to endeavour to conciliate them, by kind treatment and presents, to a recognition of the sincere desire of the Government to maintain friendly intercourse, and to improve by all practical means their moral and social condition. To bring about this result he was authorised to retain Buckley in the service of the Crown, and through his influence to try and induce the wandering savage to adopt the restraints of village life.

The civil staff representing the new Government consisted of Captain Lonsdale's clerk at 2s. 6d. per day; a chief constable at

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3s. a day; two ordinary constables at 2s. 3d. a day; Mr. Robert Russell as surveyor, with two assistants, Messrs. F. R. D'Arcy and W. Darke; Mr. R. S. Webb as collector of customs, with J. Macnamara as tide waiter.

The military staff was represented by Ensign King in charge of a detachment of thirty men of the 4th Regiment. It cannot be said that the scale of pay was adjusted with a very generous hand. Captain Lonsdale had £300 per annum, and was allowed £100 as outfit money, in consideration of the expense and difficulty of procuring many articles required in the occupation of a new country. The surveyor had £220 per annum, with £50 for outfit; and the collector of customs £200 a year. All civilians in Government employ were allowed a ration of one pound of bread and one pound of meat daily, in which, it is assumed, the highest officials shared.

Although the scales of salaries was approved by the Lords Commissioners of the British Treasury, they ventured, in a fit of severe economy, to express a hope that the system of granting rations would be discontinued as soon as possible.

Great was the excitement in the little settlement when, on the 29th of September, 1836, it was reported that a King's ship had cast anchor in Hobson's Bay, as it was afterwards called in honour of the gallant commander of the *Rattlesnake*, who first charted its waters. The official landing took place on the 1st of October, when Captain Lonsdale in uniformed state was escorted up the river in the ship's long-boat, and received by the settlers with becoming deference.

The military contingent arrived four days later in the *Stirlingshire*, and the advent of all the paraphernalia of official government not only added materially to the small population, but invested the place with an air of dignity and importance which the unauthorised occupation had failed to confer.

Pending the erection of the first Government House, a small four-roomed cottage of the wattle and daub order of architecture on part of the Western Market Reserve, Captain Lonsdale was the guest of John Batman, greatly to the affected disgust of the irritable Fawkner, who lost no opportunity of commenting unfavourably

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upon what he professed to regard as his rival's attempt to secure the good offices of the new tribune.

It was soon evident, however, that in the estimation of the authorities the claims of Batman or Fawkner, of the Port Phillip Association or the isolated roving pastoralist, had no basis for consideration, and when the individual enthusiasm had spent itself the settlers began to get anxious about their prospects.

The formal Sydney proclamation, which had been posted freely on the surrounding gum-trees, was as definite as it was unpopular. After announcing the official appointment of Captain Lonsdale, it went on to say that arrangements were in progress for effecting the survey of such parts of the land near Port Phillip as it might be expedient to dispose of, but no applications for purchase could be entertained until this survey was completed. Meantime, all persons resorting to Port Phillip were warned that no advantage would be obtained by the occupation of any land previously to its conveyance by a legal instrument from the Government of New South Wales, as failing such title it would be liable to be put up for competition at public sale and sold to the highest bidder. The action taken by the Port Phillip Association in support of their claims is narrated in a subsequent chapter, but the independent settlers apparently abandoned all hope of any special recognition, and concentrated their attention on the preliminary surveys of Mr. Robert Russell, who, in pursuance of his instructions, at once commenced to plot out a township without any special regard to the dwellings already in evidence. They were not of much intrinsic value, but they generally represented the labour of the proprietor's own hands, who thought more of the trouble and expense of reconstruction than of the perfect alignment of the uncreated streets. Indeed, under an Act passed in Sydney only two months before, it was an offence, punishable by a fine of £10 for the first conviction, for any person to be found occupying waste Crown lands, either by residing or by erecting any tent, hut or building thereon. Of course, no attempt was made to enforce this regulation, but it had the irritating effect of bringing the entire community under the incriminating influence of an *ex post facto* law.

During the first six months of Lonsdale's supervision there was

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a chronic condition of grumbling and discontent. Every week brought some additions to the population from Tasmania, but until the Surveyors had completed their work they could not be allotted permanent quarters. Tents were pitched, mud huts erected, and the flimsiest of mia-mias fringed the banks of the river. Confusion and discomfort grew out of the delay, and the temper of the settlers was not improved by the allegations that the survey party were more addicted to kangarooing and bush picnics than to their official duties. And soon it began to be whispered about that when the survey was complete, it would have to be sent to Sydney for the approval of the authorities, advertised for three months in the *Government Gazette* there, and that the sale would be conducted in Sydney. Remonstrances against the unreasonable delay were now supplemented by protests against the inconvenience and loss which intending purchasers would suffer if compelled to take such a costly and tedious journey to acquire the right of legal settlement. Petitions were addressed locally through Captain Lonsdale and direct to Sir Richard Bourke, both by individuals and syndicates interested, urging that the sale should be conducted on the spot. The Governor, though somewhat imperative, was a reasonable man, and he was quick to see the injustice. He determined to take an early opportunity of visiting the Yarra, and deciding this and other important matters on the spot. The rumour of his intention helped the people again to patience, and they plodded on through the summer of 1836 as best they could. On the 8th of November the first official census was taken, and the population was returned at 224, of whom 186 were men and 38 women. On the 30th of that month the settlers entertained their new Commandant and Captain Hobson at the first public banquet celebrated on the Yarra. It was a solid if not a very refined menu, and the feast, which was commenced at four o'clock, was graced by the presence of the married ladies of "the settlement". The viands, we are told, "consisted of a splendid leg of mutton, a very fine shoulder of mutton, stewed mutton chops, real Irish pork, pig's cheek and a variety of other delicacies. The dessert was in keeping with the dinner." Probably the difficulties connected with indoor illumination account for the festivities being over at the sensible hour of six P.M.

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The superfine Press in Sydney appeared to look with some contempt on the new settlement, for the *Sydney Gazette*, in December, 1836, has this sneering reference to its progress: "A house has been erected for the Commandant. Three public-house licenses have been granted; one is kept in a log hut (Mr. Fawkner's), the others are of turf. There is only one shoemaker in the settlement, but no tailor, carpenter or wheelwright, who are much wanted. There are neither butcher nor baker, and the settlers luxuriate upon salt beef and damper, which they wash down with copious libations of rum and water, which are very plentiful there. . . . The greater part of the settlers who have emigrated thither are said to be a drunken, worthless set, and a complete pest to the place." The explanation of this unwarranted and splenetic attack is that Tasmania supplied the settlers and Sydney the governing officials. As a set-off the Launceston paper, the *Cornwall Chronicle*, about the same time indulged in an attack on Captain Lonsdale for his meddlesome interference, and recommended the adventurers to abandon their plans of settling in Port Phillip, which was not the El Dorado it had been pictured, and to return to the cultivation of Tasmania, where they were assured that if the land was properly cleared and cultivated, it would be found far more productive than that on which they had squatted without title or license.

But these depreciatory utterances fell in stony places and took no root. The men who had set themselves to found a colony had shown a bold front to hardships, and to what they considered arbitrary dealing of the Government, and they were not to be cajoled into the abandonment of their enterprise; so the summer of 1836 was passed in waiting and in anxious suspense. Sheep and cattle continued to arrive, and were landed about the mouth of the Yarra and at Point Henry, on Corio Bay, to find their way experimentally over the occupied country to the grassy plains that stretched away to the north and west, leaving the question of tenure for future settlement. The Governor was expected to visit the settlement in April, and in January, 1837, Mr. J. T. Gellibrand, the moving spirit of the Port Phillip Association, who had already twice visited Port Phillip, determined to go over again to renew with Sir Richard Bourke on the spot the conference he had held

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with him in Sydney on the Association's affairs a few months previously. Accompanied by his friend Mr. Hesse, a leading solicitor of Hobart Town, the ex-Attorney-General sailed from Launceston in the brig *Henry*, and arrived in Corio Bay on the 21st of February. While the tedious progress of landing the stock was in operation, Messrs. Gellibrand and Hesse determined to pay a flying visit to some of their co-adventurers whose runs were in the neighbourhood, and then to ride overland across the Werribee Plains to the Yarra. The accounts published of the course taken by the wanderers are as conflicting as the legends concerning their ultimate fate, and the assumed discovery of traces of their remains. Perhaps the most detailed is that of Mr. George Thomas Lloyd, who accompanied one of the earliest search parties, but its very minuteness gives rise to suspicion of a free play of imagination. The Hobart Town *True Colonist* of 19th March published the fullest information then obtainable, but owing to the prevalent ignorance of the geographical features of the new country it is rather confused. It is known that they first visited Dr. Thomson's station, "Kardinia," at Geelong, and having obtained the services of one of his stockmen, named Akers, who was said to be acquainted with the country on the Leigh River, they travelled under his guidance to the homestead of an old Tasmanian shipmaster, Captain Pollock, who had squatted on the Barwon about eighteen miles from Geelong. Here they remained for the night, and started early next morning with a view of reaching the upper waters of the river Leigh, whence they could strike across north-easterly to Swanston's Station, and so down to the settlement on the Yarra. Believing that they could reach Swanston's within twenty-four hours, they only provisioned themselves with a few ship's biscuits. It would appear that they crossed the Barwon at the wrong place, and missing the junction of its tributary continued to follow up the main river, which led away to the westward of their route. After travelling some fifteen miles they began to enter upon a more heavily timbered and broken country, and Akers, feeling assured that they were not on the Leigh, declined to proceed any farther. Gellibrand was, however, in no humour to turn back, and pointing to the peaks of the Warrion Hills, on the Lake Colac, declared

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emphatically that they were the You Yangs, and his determination to verify his statement by reaching them. There is something surprising in an experienced bushman like Gellibrand persisting in travelling in almost an opposite direction to the course he wished to follow, and the only explanation of his disregard of the points of the compass is in his mistaking the outline of the Warrion Hills for the well-known landmark named by Flinders Station Peak, to which at a distance they bear a strong resemblance. Finding expostulation useless, Akers resolved to return alone. He alleged that Gellibrand, rallying him on his faint-heartedness, offered to share with him the balance of the biscuits, but he refused to take any, emphatically declaring that if they persisted in their intended route it was the last food they would have in this world.

With this parting ends the known record of Gellibrand and Hesse. They passed out of sight into the silence of the unknown forest, and undoubtedly perished. A few days after Akers' return to Pollock's Station, Mr. Thomas Armytage and Mr. G. T. Lloyd being there on a visit, it was determined to undertake a search by following up the track of the missing men. A well-mounted party was got together, armed and provisioned, and led by Akers to the spot where he had turned back. The tracks of the horses in the soft sward were easily picked up, and followed without difficulty for three days. Then in the dense scrub and deep gullies about the head waters of the Barwon they were finally lost. They penetrated the thickets, ascended the hills to create bonfires on their tops, fired their guns at short intervals, and woke the silent echoes of the forest with their incessant cooees. But there was no response, and they met no natives from whom they could seek information. There is no doubt that the alarmed aborigines were concealed observers of these, to them, inexplicable proceedings. Akers having informed the party of Gellibrand's persistence in respect to the Warrion Hills, they crossed the plains to that range, and for a whole week searched around and over it. Finally, at the end of the tenth day, they gave up the search and returned to Pollock's Station.

But the family and friends of Gellibrand in Tasmania were not disposed to rest without further efforts. A strong party was organised, which reached Geelong on the 18th of April. It comprised the

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Rev. Mr. Naylor, Mr. C. O. Parsons, Mr. Cotter, young Gellibrand, two volunteer friends, four experienced bushmen, and two intelligent natives. On the very day of their arrival in Geelong, a native had come in from the westward reporting the murder of two white men by the Karakoi tribe, whose hunting grounds lay around Lake Colac. The natives of the Barrabool tribe, who had conceived a great regard for Gellibrand, were eager to revenge his death, and a large number of them, in battle array, attached themselves to the expedition. As they neared the borders of the lake they suddenly came upon tracks of horses, which were easily identifiable as those of the missing men. They were followed for a long distance, and led to the spot which had been described by the native as the scene of the murder. But the Karakoi natives were in hiding in the long reeds which margined the lake and could not be found. The friendly blacks, however, succeeded in capturing one man, who, under threats of instant death, confessed that he was present at the murder, and that the bodies of the two white men had been stripped and thrown into the lake, but that the horses had escaped though wounded with spears. The confession did not avert the fate of the captive, for he had scarcely finished when he fell with half a dozen spears in his body. The Barrabool tribe having satisfied their vengeance at once returned to their own district, and the white contingent of the expedition, finding themselves surrounded by large numbers of hostile natives in ambush, were unwilling to risk further loss of life, now that they had ascertained definitely the fate of their friends. So they returned to Geelong without having seen the bodies or recovered any of the effects of the lost travellers. A public offer of a reward of £300 for accurate information as to the fate of Gellibrand failed to educe any fresh facts, and for over three years the company in which his life was insured for £11,000 refused to pay the policy, on the ground that he might still be alive. Circumstantial as were the statements made by the blacks, and apparently purposeless if untrue, they were by no means universally credited. Equally circumstantial accounts were received from other natives of two white men on foot in the last stages of exhaustion having tottered into their camp one evening, and though fed on fish and tended with care having died in a day or two. More than one skeleton found in the neighbourhood of the

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Otway Ranges has been allotted to poor Gellibrand, and more than one skull has been sent over to Tasmania for identification by some dental irregularity. It is quite as probable that they died of starvation as that they were murdered, but the latter supposition was readily adopted by the Tasmanian settlers, who had been used to conflict with a much more aggressive and warlike race of natives. The supposition added a new terror to the interior, and hence the pioneers formed themselves into stronger parties for mutual protection as they pushed inland, and too many of them learned to be as free in the use of their gun on a blackfellow as on a kangaroo.

The untimely death of Gellibrand was a great loss to the Association, of which he was unquestionably the ablest and most prominent member. It cast a gloom over the settlement, which even damped the ardour of the preparations for the Governor's visit.

But that long-anticipated event, from which so much was expected, came off at last. On the 4th of March, 1837, H.M.S. *Rattlesnake*, still under the command of Captain Hobson, anchored once more off the mouth of the Yarra, having on board His Excellency Sir Richard Bourke, who, though in his sixtieth year when he first viewed the nameless collection of mud huts on the banks of the Yarra, lived to see it the Metropolis of an independent colony, and one of the most important cities in the British Colonial Empire. He had with him, as a travelling companion, Captain P. P. King, a son of the third Governor of New South Wales; Captain Hunter, his military secretary and aide-de-camp; his private secretary, Mr. G. K. Holden; and Mr. Robert Hoddle, who was to take official charge as Surveyor-General of the new district.

Everything that would float was pressed into the service of the settlers to give *éclat* to the Governor's landing, and as the man-of-war's barge bore him in state up the then translucent waters of the Yarra, a perfect flotilla of whale-boats, skiffs, canoes and dugouts lent importance if not dignity to the procession, and bore evidence of the general interest felt in the event. As they swept past the overhanging fringe of ti-tree, and came in view of the little clearing where the shabby huts of the settlement were clustered, the dull green of the umbrageous surroundings was seen to be flecked with

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the gay colours of miscellaneous flags. The settlers who had guns fired irregular volleys of welcome, and those who had none made up for it by the vigour of their cheers. Very unlike the ceremonious dignity with which the later Governors were received was the aspect presented by the crowd, rough in manner and uncouth in dress, indifferent to the requirements of fashion or society, but honestly enthusiastic in their welcome, and highly elated with anticipations of the coming importance of their little village. Captain Lonsdale and his officials, Ensign King and his small detachment of troops, together with some of the leading settlers, set in a picturesque background of blanketed aboriginals, were drawn up in due form on the wharfless bank of the river to receive the illustrious visitors. And the Governor gave immediate proof that he meant business, for while Captain Hunter was superintending the erection of the tents to form an encampment for the party, near the corner of Bourke and William Streets, His Excellency was promptly mounted, and, under the guidance of the local Surveyors, proceeded at once to ride round and carefully inspect the proposed plan on which the future town was to be laid out. From Queen Street westward to Batman's Hill a considerable amount of clearing had been done, and although the stumps remained ungrubbed, the general contour of the land was easily apparent. But to the east of Queen Street the timber was scarcely touched, and the neighbourhood now adorned by the Parliament Houses and the principal Government Offices reposed in the shadows of the primeval forest. In a few hours the blazed trees and survey pegs were duly verified, the cross streets traversed, and the whole generally approved. By five o'clock in the evening the Governor was in camp, prepared to receive the inevitable addresses. In flowing periods the settlers offered him their hearty congratulations on his safe arrival, and thanked him for having at so early a period visited the newly settled district. They dwelt upon the importance of prompt action in fixing the sites of towns, and regretted that owing to the difficulties of communication many of the leading settlers had been prevented from taking part in the welcome which they desired to extend to him. The Governor in reply, while thanking the settlers for their words of welcome, expressed his entire concurrence in their estimate of

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the future importance of the place, and the necessity which he realised for at once fixing the points of occupation. He assured them that the fostering care of the Government would never be wanting to protect them in the lucrative pastoral pursuits in which they had embarked, and he complimented them on the praiseworthy disposition they had evinced for the maintenance of order and social decorum. From compliments he at once passed on to work. Mr. Hoddle, the Surveyor, found that he had plenty to take in hand, for his subordinates had only roughly measured out the area of the town, and were not prepared with the details the energetic Governor required. After dinner the party adjourned to the diminutive quarters of the Commandant, at the extreme west end of Collins Street, nearly on the site now occupied by the Sailors' Home, and proceeded to work out the scheme until far into the night. The rough plan disclosed twenty-four rectangular blocks of ten acres each, with a base line on Flinders Street running approximately parallel to the river, extending north to Lonsdale Street, and bounded as at present by Spring Street and Spencer Street.

The first point to be settled was the name by which the town should hereafter be known. Though generally spoken of as "the settlement," it had already been christened by the Tasmanian Press as "Batmania" and "Glenelg" respectively, after its founder and the Colonial Secretary of the day. It had also in Stewart's report and some other documents tentatively borne the uncouth names of Bearbrass and Bearhurp, from some half-defined supposition that one of these was the native name. Captain Lonsdale favoured Glenelg, as following the practice in naming Sydney and Hobart, but the Governor, who appears to have entertained a belief that the port at the mouth of the river would become the commercial capital, elected to name it Williamstown, in honour of his sovereign, and the adjacent inland village, Melbourne, after his Majesty's Prime Minister.

The width of the main streets having been fixed by the Surveyors at a chain and a half, or 99 ft., the Governor decided that a lane or right-of-way should run from east to west through the centre of all the ten-acre blocks, to give access to the rear of all the allotments it was proposed to sell. These points having been

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settled, it only remained to find names for the thirteen streets indicated on the plan.

The greater number of the existing buildings, such as they were, converged upon the neighbourhood of William Street, and running up as it did direct from the then landing-place on the Yarra bank, it seemed to promise to be the principal avenue of trade. Consequently it was named after His Majesty, and the street next to it on the east was called after the Queen. Having thus satisfied the demands of loyalty, the next street, now the centre avenue of Melbourne, then a thickly timbered gully down which a small rivulet flowed to join the Yarra, was called Elizabeth Street, in memory of the Governor's deceased wife. The one beyond was devoted to perpetuating the name of Captain Swanston, the Hobart Town banker who had done so much to forward the interests of the Port Phillip Association; and ascending the Eastern Hill, Russell Street was named after Lord John Russell, Stephen Street after a Colonial Office official, and Spring Street after Mr. Spring Rice, a former Colonial Secretary, but then Chancellor of the Exchequer. Of the two streets to the west of William Street, the first was named after the Governor's companion, Captain King, and the boundary line in that direction was subsequently called Spencer Street, after Lord Spencer, who had been a member of Lord Melbourne's cabinet.

The four main thoroughfares running east and west were named respectively after Flinders, the early navigator of the bay; Collins, the unsuccessful coloniser of 1803; Bourke, the present sponsor, and Lonsdale his local representative. A good night's work, well done, but not without some inconvenient results to the settlers, if we may accept the statement of the *Cornwall Chronicle* that the alignment of the streets "left only one house, a public-house, to stand. Every other house is to come down." A couple of days later the Governor, accompanied by Hoddle, visited the site of Williamstown, and caused some allotments to be surveyed and prepared for sale. On his return to camp he conferred with Mr. Hoddle as to the most suitable blocks to be cut up for disposal by auction, and greatly gratified the settlers by deciding that the sale should take place on the spot on the 1st of June following. He

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decided to reserve block three, bounded by William, Collins, Queen and Flinders Streets, for Government purposes, including a custom house. The Surveyor was instructed to divide five of the blocks into twenty half-acre allotments each, and those selected were as follows: Block two bounded by King, Collins, William and Flinders Streets; block four by Queen, Collins, Elizabeth and Flinders Streets; and three blocks on the north side of Collins Street, extending from Swanston to William Streets, numbered twelve, thirteen and fourteen.

Having thus given evidence of his energetic qualities, the Governor considered himself entitled to a little recreation, and determined to see something of the surrounding country. Accompanied by Captain King, Captain Hunter, Mr. Hoddle, and a small retinue, under the guidance of the surly half-savage Buckley, His Excellency started on horseback across the plains for Geelong. The dray which carried their camp equipage broke down at the crossing of the Salt Water River, and precluded fast travelling, so they made one night's halt on the banks of the Exe, now called the Werribee. Thence a pleasant canter over the sun-browned plains brought them to the Barwon, where they were met by Dr. Thomson and other settlers with the usual formal address of welcome. They encountered a few straggling parties of natives on their journey, and in every case the Governor took care to have them informed by Buckley that if they conducted themselves peaceably they would always receive generous treatment when they visited the settlements. They devoted a few days to exploring the Bellarine Peninsula and visiting the stations in course of formation on the Barwon and the Leigh. Then bearing north they ascended the latter river towards Mount Buninyong, and trending eastwards skirted the Dividing Range, until they reached the stately pile which Mitchell had named Mount Macedon. This with toilsome labour they ascended, and from its rocky peak there opened up to them a vista of an interminable sea of foliage, interspersed here and there with open plains, while on the southern horizon the waters of Port Phillip Bay glinted in the westering sunlight. Sanguine as were Bourke's anticipations of the future of the district, it certainly never entered into his imagination that a generation later the forest solitude in

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which he found himself would be adorned with some of the finest mansions of Melbourne's wealthier citizens, blooming with tastefully arranged gardens, and a popular holiday resort of thousands of pleasure-seekers.

Delighted with what he had seen in his fortnight's excursion, the Governor reached Melbourne again on the 21st of March, and a few days later departed for Sydney, whence, having shortly afterwards handed over his authority to Colonel Snodgrass, who was to hold the reins until the arrival of Sir George Gipps, he passed out of colonial history into an honourable retirement. Before he left, however, he forwarded in official despatches to the Colonial Secretary the particulars of his visit and his impressions of the country, together with a sketch-map of the surroundings of Port Phillip prepared by his friend Captain King. With this he modestly submitted for approbation the request of the settlers that his name should be appended to the district he had traversed, under the appellation of the County of Bourke. After relating what he had done in the matter of the proposed land sales, he expressed anticipation that the provision he had made for the administration of the Government would be found hardly commensurate with the rapidly growing importance of the district, and that in view of the tediousness of communication with Sydney, either by sea or land, it would be advisable to appoint a Lieutenant-Governor, with civil and military authority, over all the southern districts of the colony. In the matter of legislation he did not advocate a separate Council, but would accord representation to the settlers in the Legislature sitting in Sydney. With the concurrence of the Attorney-General, he recommended that a fourth Judge should be added to the Supreme Court of New South Wales, so that one might be spared to visit Port Phillip regularly twice a year to hold assizes. To economise time and expense in travelling, he suggested that a special Government steamer should be maintained, for taking the representatives of the majesty of the Law and their officials to and fro. He availed himself of the opportunity to bear high testimony to the ability and zeal with which Captain Lonsdale had discharged his onerous duties, and proposed to continue him in office as Police Magistrate under the new *régime*. While speaking apologetically of the pro-

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posed increased expenditure, he ventured the belief that the whole of the charges for Port Phillip would for some time at least be defrayed by the sale of land within the district, and the customs revenue, the latter having amounted in the first three months to £329. The estimate which accompanied the despatch was not framed on very extravagant lines, though it charged the whole salary of the extra Judge, £1,500 a year, to the district which was only to have his services at intervals of six months. The Lieutenant-Governor was to have £800 a year and forage for two horses; a clerk of the Crown at £400 per annum, and two other clerks at £150 each, completed the cost of the establishment. The Home authorities duly approved of these recommendations, with the exception of the official steamer, which they esteemed a rather luxurious extravagance. Nor did they concur in Bourke's recommendation of Colonel Snodgrass as his deputy, though he held office for a short time as interim Governor of New South Wales. They took time to consider, and it was fully two years before they carried out the suggestions made to them, and appointed Mr. Latrobe.

The long-looked-for land sale (of which particulars are given in a subsequent chapter) came off at last, and the flimsy huts of the adventurers began to be replaced by more substantial structures of timber and of brick. During the two years which intervened between the first land sale and the arrival of Latrobe the impetus given to the settlement was enormous, and the rapid growth seemed to have turned the heads of the first-comers. When Mr. Robert Hoddle called the settlers together to compete for their freehold sites there were only about thirty-six buildings of every kind in the settlement, many of which were removed or demolished. This was in June, 1837, and when Mr. Latrobe landed in September, 1839, he was received by a population of over 3,000 persons in a town that had fully 500 houses and at least one street, which, if it fell short of excellence in the matter of roadway, was suggestive of aspiration in the respectable display of shops.

And with the requirements of such a rapidly growing population came the desire for readier communication with the outside world. In addition to the regular overland mail to Sydney, steam communication was established in June, 1837, the *James Watt*

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making regular voyages to and fro, calling at Launceston. A subsidised mail-cart traversed the Werribee Plains, taking passengers to Geelong in about twelve hours, at a fare of £2 per head. Early in 1839 the first direct mail to England was despatched by the barque *Thomas Laurie*, that also carried the first direct shipment of wool from the settlement, and on the 17th of June in that year the first two ships direct from Great Britain arrived, the *Midlothian*, from Leith, and the *William Bryan*, from London.

Most of the religious denominations had arranged for Sunday services, and were devising means for the erection of suitable churches and chapels. Two small newspapers had struggled into existence, the first, the *Melbourne Advertiser*, which the energetic John Pascoe Fawkner brought out on the 1st of January, 1838, passing through a troublesome infancy of nine weeks in manuscript before type or press could be obtained. Its rival, the *Port Phillip Gazette*, started some months later, kept matters very lively by the virulence of its attacks on its contemporary and everything else that had a Van Diemen's Land origin.

A Court of Petty Sessions was opened in July, 1838, in a rough log building at the south-west corner of Bourke and William Streets, and in May of the following year a regular Quarter Sessions was opened, having been established by an Act of the New South Wales Legislature.

Mr. Backhouse, the Quaker missionary who visited Port Phillip in November, 1837, commented upon the very disadvantageous circumstances under which the business of the infant settlement was conducted. "Almost everything," he says, "including labour, was paid for by order on Sydney or Van Diemen's Land; the discount required by the few persons who had cash was from 20 to 40 per cent. A mechanic received half his wages in goods, charged at about 30 per cent. profit, and the rest in an order on which he paid his employer 10 per cent. discount for cash."

This burdensome "rate of usance" was not, however, destined to be of long continuance. In one of the early manuscript issues of Mr. J. P. Fawkner's *Melbourne Advertiser* there appears an advertisement that on the 8th of February, 1838, Mr. W. F. A. Rucker would receive deposits and discount bills and orders on

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Van Diemen's Land for account, and under the responsibility of the Derwent Bank Company at Hobart Town. Under these respectable auspices the exchange was fixed at the comparatively moderate rate of 5 per cent., at which it continued for many years.

Six months later Mr. D. C. Macarthur, who lived to realise the marvellous changes that had metamorphosed the Melbourne of his youth, arrived from Sydney with the necessary cash, safes and appliances for the establishment of a branch of the Bank of Australasia, which he opened on the 28th of August in a small cottage in Little Collins Street, on the north side, a few doors west of Elizabeth Street.

A branch of the Union Bank of Australia was opened about the same time on the north-east corner of Queen Street and Flinders Lane, under the management of Mr. William Highett, who, after his retirement from banking life, sat for many years in the Legislative Council of Victoria, both as a nominee and also under the new constitution.

Considering that at this time the entire population of the settlement was estimated by Sir George Gipps at about 3,000, it must be admitted that the establishment of the three banks within the year implied not only a lavish provision for the financial requirements of the colonists, but an amount of faith in their future which happily proved to be well founded.

The pioneer settlers of Port Phillip had not only an unswerving faith in their adopted country, but they lost no opportunity of proclaiming it to the world at large. In Arden's little book, *Latest Information with regard to Australia Felix, the finest Province of the Great Territory of New South Wales*, printed in Melbourne, in 1840, it is declared that "Australia Felix," from her favourable position both as regards the "actions of nature and of man, has acquired a foundation for future stability hitherto unparalleled in the history of colonisation". Such being the universal belief, it is no wonder that the development of the country was the prominent theme of discussion whenever the commercial and pastoral interests took council together. And since that development—however powerfully assisted by the energy and industry of the population—must be but slow without the stimulating aid of capital, yet

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another bank was projected, which, being of local origin and management, was fondly expected to be more ready to risk its capital in advances on property than the conservative institutions which were controlled from distant centres, and which retained solemnly respectable theories on the subject of banking such as the eager impetuosity of the settlers could not brook.

Accordingly, before the end of 1838, the Port Phillip Bank was projected, with a subscribed capital of £120,000 paid up to £50,000, and commenced business in a portion of the auction mart of Mr. Charles Williams, at the south-west corner of Collins and William Streets, opposite St. James's Church, in 1839. It was ruled by a large and influential Board of Directors, including such well-known names as D. S. Campbell, Thomas Wills, Skene Craig, F. A. Powlett and Foster Fyans, but the dominant spirit at the board was Patricius W. Welsh (familiarly known as Paddy Welsh), and under his energetic guidance the refreshing rills of financial assistance were set flowing in all directions. The management was conferred on Mr. John Gardiner, whose name is embalmed in Melbourne annals as the sponsor of Gardiner's Creek, a local tributary of the Yarra.

At the outset the bank's prospects seemed brilliant, for at the end of the first year it declared a dividend of 12½ per cent., while its conservative competitors were glad to divide a modest 8 per cent. Elated with such a good beginning, the directors purchased the site in Collins Street East now occupied by the Bank of Victoria, on which they erected substantial premises and continued to bid for popularity. The effect of these liberal advances was soon evident in the creation of what the Americans call a "boom" in the land market.

At the first Government land sale, in June, 1837, the half-acre town lots realised an average of £35 each. At the second sale, in November of the same year, the average was raised to £42. Within a year after the establishment of this bank, on 14th September, 1839, three of these lots, which had been purchased from the Crown by Mr. C. H. Ebden for £136, were sold by public auction for £10,224. Of course, such an enormous advance was discounting the future at a ruinous rate which no calm consideration

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could justify; and as the bulk of the bank's business assumed the form of helping such speculative buyers, it did not take long to lock up the whole of its resources in inconvertible securities. Early in 1840 it was decided at a meeting of the shareholders to increase the bank's capital and to open an office in London. But the new capital was not readily forthcoming, the principal shareholders having their hands pretty full with their liabilities on land speculations. It was therefore arranged to send Mr. Gardiner, the manager, to London to place the additional shares on the world's money market, and thus obtain the required relief. He was not successful in his mission, for he neither opened a London office nor secured the assistance of the British capitalist, and he never returned to the colony.

And thus the struggling township grew, drawing to itself as fast as possible those organisations that are supposed to regulate our religious, social, legal and financial requirements. Though it was literally on the edge of a wilderness, where unknown dangers were supposed to lurk in the shape of savages whose prowess was overrated, the pioneers held it as an article of saving faith that great progress was in store for it. They were proud to show it at its best to Lady Franklin, the wife of the popular Governor of Van Diemen's Land, who passed through on her way to Sydney overland, and sojourned for a couple of days in Fawkner's hostelry to prepare herself for the laborious journey. The town was given over to the most exuberant festivity, and expressed its feelings by a "general illumination," Fawkner's hotel, from its somewhat elevated position, its radiating effulgence and its promise of pyrotechnic marvels, being the rallying-point of the crowd. The proprietor having bought up all the fireworks in the place, probably at any time a very limited stock, was easily first in his display, and when the last rocket had fizzled out the weird shadows of the dead gum-trees, and the ungainly outlines of the rude habitations that dotted the allotments on Collins Street, were brought into strong relief by the fires of the assembled natives, who had organised a corroboree on an extensive scale in honour of the distinguished visitor, who would probably have preferred a night's sound sleep.

While Melbourne was thus taking on permanent shape, the

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plains, the hills and the forests, for a hundred miles to the north, south and west, were being overrun by the fleecy immigrants on whose produce the first era of the colony's wealth was to be built. Almost daily there were arrivals of one or more of the small fleet of sailing vessels bringing over stock from Launceston, which were landed at Williamstown or in Corio Bay. The Werribee Plains and the country right up to the Dividing Range were first occupied, and then, as the new-comers found the country about the Barwon and the Leigh fully stocked, they pushed on to the frontiers of the rich western district, undeterred by reports of hostile savages or by the loneliness of their surroundings.

During 1837 the stream of the "overlanders" from New South Wales began to make an impression, and to bear evidence to the existence of much good pastoral country between the Dividing Range and the Murray. The first party which successfully compassed this adventurous journey with stock consisted of three men whose names are well known in connection with the progress of their adopted country. They were John Gardiner, Joseph Hawdon and John Hepburn. The latter, who was a master mariner, afterwards owner of the splendid Smeaton Estate, has given in the *Letters of Victorian Pioneers* a graphic account of the journey, which was completed just before Christmas, 1836. The reception which these pioneers met with in the settlement was not encouraging. They were regarded with much jealousy, and found it impossible to obtain accommodation for love or money. Provisions of all kinds were very dear, so they were enabled to profitably cater for the Christmas festivities by killing one of their bullocks and selling the meat at top prices. Seeking about for suitable pastures they crossed the Yarra at Dight's Falls, and made the headquarters of the first cattle station in Victoria on the banks of Gardiner's Creek, near its junction with the river. Here Gardiner, having brought his wife and family from Tasmania, settled down in a comfortable cottage, and devoted himself to growing prime beef for the settlement, until he emerged from his pastoral pursuits to take charge of the Port Phillip bank a few years later. Hepburn and Hawdon returned to Sydney in a ten-ton cutter, the former having on the overland journey lighted upon the spot which he then determined to make his home, and

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eventually succeeded in securing, the celebrated Smeaton Hill estate, near Clunes.

The success of this journey and the reports which reached Sydney of the Port Phillip country stimulated plenty of followers. The well-defined track which the heavy equipment of Major Mitchell's party had made was easy enough to follow, and fairly suitable country was to be had for the selecting all along the line, while here and there estates of rare grazing capacity were to be found. Mr. C. H. Ebden, already occupying a station on the Murray, moved farther south, and established himself on the Goulburn with 9,000 sheep, the first flock brought into the district from New South Wales. The mere names of the long list of overlanders in 1837 and 1838 would fill pages, many of them destined to occupy prominent positions in the political and social evolution of the new country. It is a sufficient indication of the anticipated importance of the high road that early in 1838 the Government of New South Wales despatched two Assistant Surveyors overland to Port Phillip, with instructions to plot the best track on what had come to be known as "The Major's Line," and to indicate the most suitable place for fixing punts to cross the Murray, Ovens and Goulburn Rivers, and by the end of that year, 1838, the same Government had entered into a contract with Mr. Joseph Hawdon for the conveyance of a fortnightly mail between Sydney and Melbourne. The postage on letters was one shilling and threepence, and the time occupied in transit three weeks, but so rapid was the growth of the business that within a few months the mail was a weekly one and the time considerably shortened.

While the northern plains of the colony were thus getting opened up to settlement, the Geelong district was running the metropolitan area pretty close in the matter of population. It is true the town itself had no official existence until near the end of 1838, being proclaimed in Sydney in October of that year, and the first sale of allotments announced for competition in that city on the 14th of February, 1839. The hardship which this arrangement entailed on intending purchasers, as well as its injudiciousness, were fully manifested in the results, for out of fifty-three lots sold only ten fell to local residents. But without any security of tenure, or even

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right of occupation, there had sprung up a small collection of settlers tenements on the banks of the Barwon, in what is now called South Geelong, fully a year before the Government recognised it; and by the end of 1837 there were something like thirty stations formed on the Barwon, the Leigh, the Moorabool, and on the Bellarine Peninsula.

Indeed, as early as the 8th of June, 1837, a memorial, signed by no less than forty-six squatters in the Geelong district, was addressed to Sir Richard Bourke, urging the appointment of a resident police magistrate, and a small body of mounted police for the maintenance of order and the protection of the memorialists against what they considered the growing aggressiveness and hostility of the natives. Unlike the modern disciples of State Socialism, these sturdy pioneers, in preferring their request, manfully offered to defray the entire cost in any measure the Government might propose.

The signatures to this document are nearly all those of well-known pioneers, most of whom rose with the country's progress to great affluence, though not any of them played a leading part in its political development. The Manifolds, the Roadknights, the Murrays, Thos. Austin, Charles Swanston, Von Steiglitz, J. A. Cowie, Joseph Sutherland, and a dozen other names that were as household words in the western district in the "forties," left no mark on the political history of the colony that had proved so generous to them.

The Sydney Government were not long in dealing with a requisition so influentially signed, and Captain Foster Fyans, formerly of the 4th Regiment, was appointed Police Magistrate for the district, and despatched from Sydney in September, accompanied by a clerk and three constables. The raising of a contingent of mounted police, if still deemed advisable, was relegated to the settlers of the district under the supervision of the new magistrate. Captain Fyans was prompt in recognising the suitability of Corio Bay for a place of permanent settlement, and, immediately on his installation, began to urge upon the Government the advisability of having a site for a town surveyed forthwith. The position he occupied in point of salary and authority was on a par with that of Captain Lonsdale, and in one of the latest despatches addressed by Sir Richard Bourke to the Colonial Secretary, the British Cabinet

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was again urged to appoint a resident Lieutenant-Governor who should have the control of these subordinate officials, who were so far removed from the principal seat of Government. Bourke predicted that with the rapid increase of population, and the spread of pastoral settlement over so large an area of country, the number of these functionaries would have to be increased, and that under existing circumstances no proper supervision could be maintained from Sydney. In acknowledging this despatch to Bourke's successor, Sir George Gipps, on 3rd April, 1838, Lord Glenelg confirms the appointments of Captain Fyans and the additional Puisne Judge to be utilised for Port Phillip, and promises to take the earliest opportunity of nominating a superintendent for the approval of Her Majesty. Either the selection proved more difficult than was anticipated, or the Cabinet had weightier matters in hand, for it was not until December that the appointment was offered to and accepted by Mr. Charles Joseph Latrobe. His official appointment was not actually made until the 4th of February, 1839, and he was directed to proceed in the first place to Sydney, an allowance of £400 for his passage and outfit being granted by the Treasury. He reached Sydney on the 26th of July, and having remained about two months with Sir George Gipps to familiarise himself with the method of conducting colonial affairs, sailed for Melbourne in the steamer *Pyramus*, and landed in his new dominion on the 30th of September.

His commission "under the Great Seal of the territory of New South Wales," handed to him in a letter from Mr. E. Deas Thomson, the Colonial Secretary in Sydney, covered many pages of minute instructions as to his duties and responsibilities.

His district was defined as "that part of the territory of New South Wales which lies to the south of the 36th degree of south latitude, and between the 141st and 146th degrees of east longitude".

Within those limits he was to exercise the powers of a Lieutenant-Governor, and to stand in the same position in respect to the Governor of New South Wales as that functionary occupied in respect to the Secretary of State for the Colonies. Voluminous directions as to the organisation and control of minor departments are given, and amongst other things it is provided that all officers of

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the Civil Government are to look to him as their immediate head; all appointments where the salary does not exceed £100 per annum are vested in him, but beyond that amount they must be reported for the approval of the Governor at Sydney; he may suspend any Government officer appointed in the colony, but not such as hold appointments direct from the Crown; in all cases where the preservation of peace is concerned he may call for the assistance of the officer in charge of Her Majesty's troops, but he must carefully avoid any interference in military matters, and have no control whatever over expenses defrayed out of the military chest; in the case of assigned servants, he is specially prohibited from withdrawing convicts from the service of any individual without the express order of the Governor; he may not exercise the prerogative of the Crown in pardoning offenders or remitting punishment, but in all applications of such remission the appeal should come through him, and be supported by his opinion and that of the presiding judge or magistrate; finally, his attention was specially invited to the whole question of the treatment of the aborigines, and for his information and guidance in this very important duty he was furnished with a copy of all Government orders on the subject, and of the instructions issued to the Chief Protector of the aborigines and the Commissioner of Crown lands.

The humanitarian instinct was very strong under the *régime* of Lord Glenelg, and the regulations in force, though unhappily falling short of their intentions, were conceived in a very philanthropic spirit.

In laying down these paternal regulations for the good government of the handful of adventurers who had come to stay, the authorities in Downing Street had little anticipation of the rapidity with which the community would outgrow them, and how soon, with swelling numbers and increasing wealth, they would resent being the dependents of a dependency, but would insist on the privileges enjoyed to-day, the right to make their own laws and spend their own revenue, without reference to any Government but the one elected from amongst themselves.

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CHAPTER VIII.

THE PORT PHILLIP ASSOCIATION—ITS CLAIMS AND COLLAPSE.

In order to avoid a too frequent interference with the continuity of the narrative, it is desirable to deal with the protracted negotiations between the first adventurers and the British and Colonial Governments in a separate chapter.

The Port Phillip Association, which was assailed by Mr. John Pascoe Fawkner with savage ridicule and scornful denunciation for more than twenty years after it had ceased to exist, formed the subject of many a caustic article in the Sydney Press, and was treated generally with an amount of obloquy which savoured strongly of injustice. It must be conceded that its claims in their entirety were really untenable, but they were not without precedent, and it is only in view of subsequent developments that they now appear so preposterous. The enormous tracts of land granted by the British Government to officials and capitalists in Western Australia attracted no adverse comment, because the lack of progress in that colony left these vast estates most unprofitable acquirements. Had Perth, however, become a second Melbourne, the wrong done to the community would have been less defensible than a moderate recognition of the claims of Batman and his friends, because in no sense were the grantees there entitled to their possessions in virtue of discovery or exploration. Undoubtedly, the value of the Port Phillip district would, sooner or later, have attracted attention if the Association had not existed; but to the leading spirits of that company belongs, at least, the credit of having made it available to settlement earlier than would otherwise have been the case, and, what is even more important, of having practically forced the Government of the day to admit its importance and its suitability for colonisation.

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The particulars of the formation of the Association have already been given in Chapter V., and it is only necessary to add that the majority of the partners in the adventure were men of a superior status to the average Van Diemen's Land settler. They included in their ranks members of some of the learned professions, Government officials, merchants and bankers. They not only brought a practised intelligence to bear on their enterprise, but they liberally backed their opinions by a considerable monetary expenditure. Above all, they were scrupulously careful to protect the rights of the aborigines, and, as their Deed of Association, already quoted, shows, the colonising principles which they adopted were such that, if carried out in their integrity, they would have rendered Government supervision almost unnecessary. And yet had they been an organised gang of cattle stealers, they could hardly have been warned off more roughly by the Government, or more persistently denounced by a large number of their contemporaries, who were playing a lone hand in the same game of territorial acquisition.

Probably the chief reason for the denunciation of the Sydney Press is to be found in the fact of the Association having at the outset made their request to Governor Arthur, and to the unmistakably friendly feeling which he manifested towards them. Fawkner was never weary of attributing to personal greed on the part of Governor Arthur the favour which he showed to the adventurers, but he was never able to adduce any proof of direct interest, and his suspicions were certainly not shared by the colonists generally. That the Governor took a sympathetic interest in the movement is undoubted, and in addition to the fact that his nephew had a share in the partnership, and that his former Attorney-General was the moving spirit of the enterprise, it is not unlikely that he had an ambition to extend his authority to such a region of promise. Certainly he was justified, in view of the existing means of communication, in assuming that it would be more conveniently supervised from Van Diemen's Land, whence all the settlers came, than from the remote centre of the New South Wales Government.

And if, as the Association claimed in the first letter to the Colonial Secretary, the district was not within the limit of New South Wales, both the Governor and the adventurers had a reasonable

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basis for their action. They might have also been misled by the fact that no protest had emanated from Sydney, and no interference had been attempted with the Henty family in their venture at Portland Bay; though it is possible that, as the Hentys had asked no Government protection, and had very much kept their own counsel, their intrusion may have been officially unnoticed.

To tell the story of the Association's claims it becomes necessary to revert to the despatches transmitted by Governor Arthur and Governor Bourke to Lord Glenelg, the Colonial Secretary, towards the end of the year 1835. Their substance has already been given in a previous chapter, and early in 1836 replies to both reached the Colonies. To Governor Arthur Glenelg lays down at some length the principles which have actuated the British Government in dealing with all schemes by private adventurers for acquiring land by purchase from the natives, and expresses his regret, in view of Mr. Batman's commendable conduct towards the aborigines, that he is unable to advise the Crown to sanction the proceedings of that gentleman and his associates. The despatch closes with a promise to give every consideration to Arthur's proposal to form a settlement at Port Phillip under the jurisdiction of the Supreme Court of Van Diemen's Land, to which the Colonial Secretary sees "some very serious objections". It is a reasonable supposition from this promise that the Colonial Secretary did not at the time regard the new territory as certainly within the limits of New South Wales, and this view is strengthened by the existence of a minute in the Record Office, dated 17th December, 1835, to the effect that Arthur's recommendation cannot be recognised, since it would militate against the engagements entered into with the South Australian Company.

To Sir Richard Bourke Glenelg was equally explicit in refusing any recognition of rights acquired by purchase from the natives, and maintaining the right of the Crown to the soil on which the new settlements were proposed to be effected. He says: "Although many circumstances have combined to render me anxious that the aborigines should be placed under a zealous and effective protection, and that their rights should be studiously defended, I yet believe that we should consult very ill for the real welfare of that helpless and unfortunate race, by recognising in them any right to alienate

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to private adventurers the land of the colony; such a concession would subvert the foundation on which all proprietary rights in New South Wales at present rest, and defeat a large part of the most important regulations of the local Government". The reason assigned, though good enough from a politico-economic point of view, is somewhat of a *non sequitur*, as it certainly has no bearing upon the rights of the aborigines.

The Association had, however, good grounds for anticipating opposition, and had promptly despatched one of their number, George Mercer, to England to fight out the question under the best legal direction obtainable. Though the chances were all against him from the first, the indomitable Mercer stood by his mission manfully, and came up afresh after every rebuff with a pertinacity that must have sorely tried the stately courtesy of the Colonial Secretary. He opened the proceedings with an able letter to Lord Glenelg, dated 26th January, 1836, in which he claimed the favourable consideration of the Crown to the application for a grant of the territory indicated in the names of John Batman and Charles Swanston in trust for the members of the Association. Apart from the rights supposed to accrue under the conveyance executed by the "Aboriginal Chiefs," he based the request prospectively upon "the formation of a nucleus for a free and useful colony, founded upon principles of conciliation and civilisation, of philanthropy, morality and temperance, without danger of its ever becoming onerous to the mother-country, and calculated to insure the well-being and comfort of the native occupants, the proposed system instructing and protecting, not exterminating them". He points this moral by a pleasing fiction to the effect that if the Association were disturbed in their occupation of the land, ceded by the tribes under treaties tabooed with the sacred symbols of their chiefs, then the simple savages would lose all faith in their white invaders, and nothing short of their extermination would enable any other occupiers to hold the land.

However humane were the instincts of Lord Glenelg, he appears to have braced himself up to meeting this terrible alternative, and having finally come to a definitive conclusion as to the exact whereabouts of Port Phillip, he briefly replied on the 15th of February that the territory in question was a part of the colony of New South

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Wales, and that the Crown could not recognise any titles to land acquired there except under the conditions prescribed in the Commission held by the Governor, Sir Richard Bourke.

To any ordinary negotiation this reply would seem to have closed the correspondence, but Mercer was not so easily discomfited. The ground which he now took up was the importance of raising the character of the colonial possessions by ceasing to make them mere penal settlements, and to limit that unhappy taint to the districts already so occupied. His letter of the 16th of March sets out so fully the precedents for the application and the extent of the financial responsibility the Association is prepared to undertake, that it is worthy of being given in full, and will serve as a fair sample of the ability with which the correspondence was conducted. The full text of the letter is as follows :—

"My Lord,

"I have had the honour to receive your Lordship's letter of the 15th of February, in reply to my address under date 26th January, 1836, intimating that His Majesty's Government cannot acknowledge any title to the lands acquired by the Port Phillip Association, except upon the terms prescribed in the Commission and instructions issued to Governor Sir Richard Bourke, the lands in question constituting a part of the colony of New South Wales.

"Sir R. Bourke's Commission and instructions have reference, I presume, alone to a penal colony, and, moreover, it may not be impossible that the said Commission and instructions were drawn at a time when the British Government deemed it expedient to meet and counteract a disposition evidenced by the Government of France to form a colony on that part of Australia; consequently, the territory of New South Wales might have been extended far beyond the limits adapted to a penal colony.

"Port Phillip is about 600 miles from Sydney, and 400 from the nearest lands of that colony yet occupied by British subjects with the sanction of Government, and will not, therefore, under the slow and regular march of population, be located as a penal colony until some very distant period.

"I have been given to understand that it is not the intention of His Majesty's Government to extend or increase penal colonies; and

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the same power that joined Port Phillip to, can, I conclude, with equal facility and propriety, dissever it from, New South Wales, greatly, I conceive, to the advantage of the mother-country.

"These lands, unless formed into a free colony, must, I am humbly of opinion, lie dormant, or be grazed by squatters only, for a century to come; whereas, if now granted by the Crown to the Geelong and Dutigalla Association upon equitable terms, they will be speedily rendered a valuable acquisition to the State.

"I may be permitted to observe, that the purchase of the tract of land ceded by the native chiefs to the Association, upon the terms prescribed in the Commission and instructions to Governor Bourke, is out of all question, unless the advantages of a full portion of convict labour were accorded, as well to the body purchasing as for public purposes of general improvement, making roads, bridges, etc., thus involving the necessity of an expensive Government establishment, civil and military, for the improvement of the colony, for the control of the prisoners, and for the protection of the settlers; in fact, planting another penal colony, with all its concomitant charges to the parent state.

"The Association profess their wish to be a free colony, without pecuniary sacrifice to the mother-country; at the same time, every member of it is aware of the absolute necessity of the presence of British local authorities to see that due protection be extended to all, and that justice be done to the aborigines, whose welfare and general improvement the Association takes a pride in declaring to be one of its objects, as evinced by the tribute paid to and arrangements made with the natives.

"It is unnecessary for me to call your Lordship's attention to the fatal consequences at Hunter's River (about 100 miles only from the capital) of the absence of such amicable arrangements and the presence of runaway convicts, these combined causes operating destruction and murders in every direction. Yet I may take the liberty, as pertinent to the subject, and not perhaps so well known to your Lordship, to advert to the many acts of aggression committed by the whalers and others at Portland Bay, where a tract of country has lately been granted by the Home Government, formerly refused to an application made by memorial through Colonel Arthur (please

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see ultimate paragraph of Mr. Colonial Secretary Montagu's reply of 3rd July, 1835, to Mr. Batman)—this tract having been occupied without previous friendly intercourse with the natives, and being beyond the operation of any present law, consequently without local government or authorities.

"Assuming it, as I humbly do, to be the bounden duty of both Government and the soliciting grantees to extend to these benighted people a full measure of kindness and protection, and, if possible, the blessings of Christianity, in lieu of advantages to be derived from the possession of the soil by the British Empire and the Association, I would presume to suggest to your Lordship that a Crown grant be given at a moderate quit-rent, sufficient for the support of a small, but, for the present, adequate establishment, appointed by the Crown to superintend and protect all parties in and connected with a new free colony. This acceded to by Government, the matter would resolve into a question of amount.

"Although, as occupants in a free colony, the Association would labour under many and great pecuniary and other disadvantages, comparatively with those located in a penal settlement, yet the body for whom I act would not, I have reason to believe, object to the Van Diemen's Land Company being taken as an archetype to found upon. And this being acceded to by your Lordship, the following statement would be the result. I may be permitted to premise, that that Company selected 250,000 acres of available land in six different and distant localities, being allowed 110,000 acres more, supposed, useless lands, and not valued to them, and that they do or may have the full amount of their quit-rent, or even much more, returned to them, through the means of convict labour, unknown in a free colony.

"The Van Diemen's Land Company have 360,000 acres, 250,000 of land fit for tillage and pasturage, at 2s. 6d., equal to £31,250; quit-rent 1½ per cent., equal to £468 15s., redeemable at twenty years' purchase, or £9,375 sterling, quit-rent not payable until the expiration of five years from the date of the grant or charter. This latter stipulation the Association—deeming an immediate superintendency by a Government Commissioner or officers, for the due protection of all parties, of the utmost importance—would dispense

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with, and willingly commence payment at the expiration of six months from the arrival of such Commissioner and authorities on the spot, always looking for a local expenditure of the quit-rent for the benefit of the colony. Based on this principle, and reckoning 500,000 acres in the tract ceded in June last by the chiefs to the Association, the quit-rent would amount to £937 10s.; but as this might not be deemed a sufficient sum for the proposed establishment, were the tract to the east of the ceded territories to be included in the grant or charter, as delineated on the accompanying map by lines from C thirty-five miles due south to E, and from E thirty-two miles about south-west to D at Good Water Creek on Port Phillip—the whole estimated to contain on a liberal scale 750,000 acres of land fit for tillage and pasturage, which can scarcely be expected, the territory lying in one continuous tract—the Association would thus be placed on such grounds as to justify a payment of £1,406 5s. per annum quit-rent, equal to the support of adequate public authorities, until the colony become, by population and trade, of importance sufficient to require a larger establishment, to be supported by a regular system of light duties on all imports, except those of British manufacture. Taking this view of the matter, the Association would become liable for an annual payment as follows:—

	£	s.	d.
"Tribute for present tract ceded - -	200	0	0
,, proposed extended tract, say -	120	0	0
"Total tribute to Native Chiefs - -	320	0	0
"Quit-rent to the British Government -	1,406	5	0
"Salary to Dr. Thomson, now acting in the combined capacities of Catechist and Surgeon, on an allowance of - -	180	0	0
	£1,906	5	0

"The associated body would naturally expect to be relieved from the burden of Dr. Thomson's salary, who would become a Government officer on the establishment, when payment of quit-rent commenced.

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"Your Lordship will not fail to have observed the result of a late expedition sent to follow up Captain Sturt's discoveries, behind Lake Alexandrina, which had returned, having suffered loss in a skirmish with the natives. A circumstance that could not have occurred had an amicable intercourse with these unhappy beings been previously, as in our case, established; but instances of this description are too numerous to trouble your Lordship with.

"In conclusion, I may be permitted to observe that, independently of British interests, on the score of humanity alone, I humbly conceive it to behove His Majesty's Ministers to take this subject into their most serious consideration, and, with as little delay as possible, to plant British authorities at Port Phillip for the prevention of exterminating conflicts, which will, I fear, inevitably ensue, as some squatters have possessed themselves of lands in the neighbourhood, without any previous arrangement with the natives, and also to give legitimate protection to flocks of great value (£20,000 to £30,000) belonging to the Association, now grazing on the ceded tract.

"I have the honour to be, my Lord,

"Your Lordship's most obedient humble Servant,

(*Signed*) "GEO. MERCER."

A fortnight later Lord Glenelg replied briefly and decisively to the effect that he intended instructing the Governor of New South Wales to arrange for the proper official supervision of the new settlement, and to put up the lands there at such a reduced upset price as, upon full consideration of the state of the infant settlement, he might consider reasonable. He dissented, however, from the proposal to accept a quit-rent, that plan having now been generally abandoned by the Crown. He did not condescend to any examination of the precedents cited, or attempt to controvert the arguments of the writer on any other point.

If plain speaking was to count for anything, it must have been evident to Mercer that there was little chance of what was equivalent to a free grant, and a change of tactics was necessary. It was clearly resolving itself into a financial question, and the main object of subsequent correspondence was to see how good a bargain

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could be made. On the 6th of April Mr. Mercer again addressed the Colonial Secretary, contending that while the plan of selling lands by auction is undoubtedly beneficial in the already settled districts, it would be inequitable to admit other parties to enter into competition with the Association for a property, the whole value of which had been created by their exertions and with their capital. He alleged that the heavy charges and great labour they had incurred, and especially the principles of justice and liberality on which they had proceeded, hitherto unknown in the history of the British Colonies, entitled them to a special consideration. As a last resort, therefore, he proposed that the tract ceded by the natives, together with about an equal parcel to the westward, in all about 3,000 square miles, should be sold to the Association at the price of £20 per square mile, half the amount to be paid in instalments, at the rate of £3,000 per annum, to be applied by the Government for purposes of emigration or otherwise, as they may deem proper; and the other half to be expended on roads, bridges and public works in the colony, over the same period, under the administration of a Board composed of equal representatives of the Government and the Association.

In those days of untempered officialism this suggestion was resented by the ruling authorities, and in Sydney especially the proposal was scouted as an impertinent attempt to seize the government of the new province. It was also an injudicious step to enclose with the letter a copy of the opinion of Dr. Lushington that the right to the soil did not rest in the Crown, especially as that opinion was not endorsed by the other learned counsel consulted, and was not supported by any arguments. On the 14th of the same month Sir George Grey replied, by direction of the Colonial Secretary, stating that the Crown must decline to acquiesce in the opinion of Dr. Lushington, which was assumed to be advanced under a misapprehension of the case. The letter goes on to say that any departure from the recognised methods of alienating colonial lands would involve a breach of faith with the numerous persons already holding property under them, and could not be entertained. The proposal to purchase 3,000 square miles for £60,000 under the conditions offered seemed to the Minister to

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have insuperable objections, no purchase of that magnitude having ever been known in the modern history of colonisation. Moreover, the Crown was without any evidence of the value of the land it was asked to part with, and for this reason alone the matter must necessarily be dealt with on the spot, under the regulations administered by Sir Richard Bourke. The final paragraph of the letter shows that Lord Glenelg was beginning to believe that a reasonable claim had been made out for some consideration, for he promises to "instruct the Governor to have a careful and just regard to the circumstances stated in your letter, and to make every arrangement which may appear to him to be reasonable for protecting the fair claims of the persons who have already resorted to Port Phillip, to a priority in the purchase, on moderate and easy terms, of any lands which they may have already occupied, or on which they may have actually effected any improvement".

This concession, slight as it was, gave rise to much future trouble, for while the applicants regarded it as an assurance that they were not to be subjected to open competition, Sir Richard Bourke very properly held that such an interpretation was incompatible with his general instructions.

On the 23rd of April Mercer was again in evidence, and by letter withdrew apologetically the legal opinion of Dr. Lushington, and reduced his suggested pre-emption of 3,000 square miles to a maximum grant of 2,560 acres to each of the seventeen members of the Association, equal to sixty-eight square miles in all, on the territory ceded by the natives under the original treaty. If the Minister would grant these selections, either free, or at a very reduced price, permanent buildings would be at once erected, and portions of the land brought under cultivation, thus forming the nucleus for enlarged farms and holdings, by purchase or otherwise, when the Government arrangements would permit. He urged, meanwhile, that orders should be issued to prevent squatters intruding upon the lands ceded to the Association, lest the natives, who felt themselves in honour bound to give possession to the proper grantees, should fall upon such intruders and expel them by force. It was probably some misgiving as to the attitude of Sir Richard Bourke that induced him to close his letter with a recommendation that if Port Phillip were

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constituted a subordinate colony, of which, perhaps, Western Port might be considered a better location for the capital, its proximity to Van Diemen's Land would render Hobart Town a more suitable centre of control than Sydney, and greatly facilitate intercourse representing the Crown.

The reference to Western Port as possibly preferable to the Yarra for the site of the capital appears to have been of rather a haphazard character, and can hardly have been in accordance with the views of the other members of the Association.

On the 10th of May the Colonial Secretary replied to the effect that his instructions had already been despatched to the Governor of New South Wales, and he could only hope that they would be found "to embrace every provision which is required by a due regard to the interests and reasonable expectations of the parties *by whom the settlement at Port Phillip has been made*". Here again was something which the Association joyfully caught at as a recognition of their claims to priority of possession. But the gleam of encouragement which Mercer might have experienced from the somewhat ambiguous phrase was dashed by the apparent intention to transfer the negotiations to the other side of the world. After a period of sober reflection he determined not to recognise that he was beaten, and ventured to address the Minister again on the 29th of June, ostensibly to ask for a copy of the instructions forwarded to Sir Richard Bourke. In doing this he seized the opportunity of playing upon Glenelg's known sympathies with the aborigines by dilating upon the extra charges which were being incurred by the Association in satisfying their clamorous appetites, and the steps which were being taken for the introduction and maintenance of an efficient contingent of missionaries.

The seed apparently again fell upon stony ground, for no beneficial result ensued, and the copy of the instructions was formally refused.

It took Mercer nearly six months to make up his mind for another effort, and during that period the Colonial Secretary, whose hands were pretty full with the impending Canadian rebellion, was allowed to forget Australia. But on the 14th of December Mercer was good enough to bring it back to his recollection by forwarding

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him a glowing account of the progress of the new settlement at the Antipodes, stating, amongst other things, that between November, 1835, and May, 1836, upwards of 20,000 sheep had been landed in Port Phillip from the Tamar, and upwards of £50,000 already expended, evidencing the great and growing importance of the new colony. He takes the opportunity meekly to refer to the Minister's despatch to Sir Richard Bourke, and to express an opinion that his Lordship's instructions scarcely seemed to convey such specific orders to grant special immunities to the founders of the new colony as some paragraphs in previous communications to the writer had led him to expect; he, however, indulges in the hope that subsequent instructions may have been more favourable to himself and colleagues. After this diplomatic introduction he returns once more boldly to business, and submits a fresh offer for 1,000 square miles, for which he increases his bid by 50 per cent. He tenders payment at the rate of £30 per square mile, in ten annual instalments, the money to be expended at the discretion of the Government for the benefit of that portion of the colony comprised in the ceded tract. He concludes his letter by saying that he has invested £20,000 of his own money in agricultural and pastoral pursuits in the Colonies, and is even now preparing to despatch a number of suitable emigrants to Port Phillip by the first good vessel sailing from the port of Leith.

But neither the sinking of his capital in colonial development nor the effort to help the Government in getting rid of some of its redundant population secured to Mercer the consideration he pleaded for. The Colonial Secretary's reply on 31st December was brief and uncompromising. He had sent his instructions to the Governor of New South Wales, and he could not interfere with that officer's administration without "producing extreme and irreparable confusion".

Like a litigant who has unsuccessfully appealed, it now became necessary to go through the form of taking "counsel's opinion". Mr. William Burge, of Lincoln's Inn, whose decision on the case submitted to him has been frequently reprinted as a model deliverance, was again consulted, all the correspondence being laid before him. In his opinion the Government ideas of colonisation and

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settlement were a muddle ; but the legal position of the Association was weak, and it would be useless to " kick against the pricks ". The prudent course would be to make the most of the admission in the Minister's letter of 14th April, and try by the aid of it to wring the best terms obtainable out of the Governor of New South Wales. And while this was being done, Parliament might be directly invoked by getting the recent Committee on Crown Lands reappointed, before whom the whole proceedings of the Association might gain publicity, and the favourable recognition which Mr. Burge believed them to deserve. It would of course be impossible to get the Committee reappointed without the concurrence of the Cabinet, and as it would probably have been fatal to the issue to have appealed to Parliament in opposition to the Ministry, steps were taken to bring pressure to bear on the Colonial Secretary to sanction the Committee. For this purpose Mr. David Robertson had two interviews with the Minister in January, 1837, and though at first he seemed hopeful of some advantage being obtained, before the end of the month all doubt was set at rest by curt intimation that the Government would not move for the renewal of the required Committee, and that Lord Glenelg had nothing more to say on the subject.

Miss Martineau describes the Colonial Secretary as a man who was respected for his large information and clear sagacity. But his indolence was extreme, and so thoroughly constitutional as to be inveterate. This throws some light on his manifest desire not to be " bothered " about matters that other people could attend to.

Mr. Mercer continued to protest and appeal for fully another year, but the negotiations had practically passed beyond him to the arena of the Executive Council of the Government of New South Wales.

The instructions to Sir Richard Bourke, so often referred to and deemed by Mercer and his associates so inadequate, were supposed to be contained in the despatch of 13th April, 1836, which authorised the Governor to arrange for a settlement at Port Phillip, under the established conditions ; but there is no indication in it of the implied promise of the Minister to Mercer, that the Governor would be instructed to have a special regard to their claims. In Sir Richard

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Bourke's reply, however, dated 15th September, 1836, after reporting the steps he had taken for the control of the settlement, he says that he has informed Mr. Batman of the proposed opening of the district for location, and requested that some one on behalf of the company should attend at Sydney to arrange the terms on which the Association would be permitted to retain some part of the land they had taken possession of.

Batman could not go in person, but Messrs. Swanston, J. T. Gellibrand and James Simpson were duly empowered for the purpose, and proceeded to Sydney to lay their case before the local Executive. To minimise talk, and to give opportunity for a careful examination of these claims, they drew up a very complete memorandum of what they contended for, and transmitted it to the Governor a few weeks in advance. The main grounds of the claim rested upon the treaty made with the natives, not as conferring any legal title, but as implying the right to an equitable consideration, which had been already recognised by Lord Glenelg in the oft-quoted letter of 14th April. They set out, in some detail, the expenses already incurred in stocking the country with sheep, and urged that fully three-fourths of this was incurred before they heard of the Governor's proclamation of 26th August, 1835, and while they had good grounds for supposing that their enterprise would be favourably regarded rather than opposed. They considered themselves bound in honour to the natives to continue the expenditure of £800 a year for their benefit, whatever might be the decision of the Government; but, if their claims were favourably entertained, and their treaty with the natives confirmed, they would be willing to pay from £2,000 to £3,000 a year in addition towards the expenses of the Government. In a later communication (20th October, 1836) they say that if in response to the Governor's proclamation they had withdrawn from their occupation, and abandoned their treaty with the natives, the result would have been that instead of the existing settlement of 200 persons, and stock to the value of £100,000, the country would still be exclusively occupied by the native tribes, and this extensive field for British enterprise would be lying unproductive.

But the Executive Council, having been entrusted with the re-

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sponsible duties of arbitration, were not allowed to concentrate their attention on this one claim. Petitions poured in upon them from all the unauthorised occupants of the pastoral solitudes of Port Phillip. One, with over forty signatures attached, was supported by a delegate from Hobart Town, in the person of Mr. John Dobson, and made a strong point of the fact that while the memorialists had undergone equal hardships and expenditure in giving a new colony to the British Crown, they had carefully abstained from intruding on its just prerogative, by making any fanciful purchases from the natives, though they alleged that they had equal opportunities with the Association of doing so. Another petition from residents in Van Diemen's Land who had sent over stock to Port Phillip, bearing amongst others the signature of Mr. W. J. T. Clarke, asked that they should be placed on the same footing as to any advantages His Excellency might be pleased to afford to others, and claimed that they sent no delegate, because they were quite satisfied to trust to his known justice and impartiality.

With these documents before them the Executive set to work, and on the 21st of October recorded their decision in an exhaustive official minute. At the outset they recognised that to comply literally with the Secretary of State's instructions, which were to put the land at Port Phillip up for sale, and at the same time to allow any priority of purchase was impracticable. They therefore set to work to discover in what way their case differed from that of the numerous other unauthorised occupiers of Crown lands in New South Wales, and on the grounds of discovery and the transfer of capital from Van Diemen's Land they decided against them. They somewhat ungenerously belittled the idea of discovery, by saying that it was no more than could be claimed by any stockholder within the colonial boundary pushing on to the outlying tracts of country which he desired to occupy. And as for the introduction of capital, which at one time commanded equivalent free grants of land, that practice had now been finally abandoned by the Crown. The claim was therefore limited to the steps taken and expenses incurred by the Association, under an erroneous opinion of the validity of their treaty with the natives, to the extent that it existed prior to the Governor's proclamation of 26th August, 1835.

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Any recognition of claims arising out of events subsequent to that date would amount to a bounty by the Crown for a disregard of its own authority. Under this aspect all the other petitions were dismissed from further consideration. It was therefore decided, not as an admission of any right, but as a gratuitous act, only justifiable under the express authority of the British Cabinet, that the Association should be called upon to furnish the Government with a detailed account of all expenses incurred prior to the date named. And when this account had been approved, the Council recommended that the Association should be allowed the amount, together with all their outlay on the natives, as a remission in the purchase of land at Port Phillip, which was to be set up at the usual price of five shillings per acre. The Council reminded the Association that if the remission conceded to them was less than appeared to be contemplated by the Colonial Secretary in his correspondence with Mr. Mercer, the assessment of their claim had been left to the local authorities, because they possessed a better knowledge of the situation and its surroundings than could be expected of the Minister.

It is needless to say that the decision did not satisfy the delegates. Again and again they returned to the charge, pleading hard for what they contended the Colonial Secretary had promised them, "priority of purchase at a moderate upset price," instead of a remission on the cost of land purchased in open competition. But it was all in vain. Governor Bourke, having firmly maintained his position, advised Lord Glenelg on the 12th of November of the decision come to, and pointed out that he believed the Association really recognised that they had been treated with every consideration. He thought it not unlikely that a renewed application would be made in England, and in such case he urged the Minister to confirm the action of the Council, one of the reasons assigned being, that while the decision had not "created any very bitter disappointment to the company," it had been generally satisfactory to the rest of the community.

And so on the 26th of November the Executive Council fixed the money value to be allowed as under :—

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On account of the blacks - - - - -	£2,390
Purchase and charter of vessel - - - -	2,600
Expenses of Messrs. Batman and Wedge - - The former in treating with the natives, the latter in surveying the country	2,010
	£7,000

The decision finally minuted remained unaltered, but not without repeatedly renewed attempts made, both in England and in the Colonies, to get it reviewed. Several of the original members of the Association had parted with their interests at a great sacrifice, and when the matter was brought to an issue not half of the number were represented. At a land sale held in Sydney on 13th February, 1838, an agent for the Association bought some blocks of land lying to the westward of Geelong, altogether about 9,500 acres for £7,919 7s. 7d., of which sum £7,000 was remitted in terms of the Council's minute.

The controversy which has thus been related at such length was not of a character to enlist violent partisans on either side. Apart from those directly interested in the Association, few could be found who would not admit that its claims were unduly grasping, its aboriginal philanthropy too loudly proclaimed, its effect of expenditure exaggerated, and the result of its labours from a national point of view largely accidental. On the other hand, the public verdict will probably be that the Government of the day acted with a parsimony bordering on huckstering; and that the Colonial Secretary certainly led the applicants to believe at one time that he intended to do more for them than the local administrator considered himself empowered to carry out. It is needless to travel over the ground again, or to cite the numerous precedents where men had been endowed by the Crown with enormously valuable estates for merely undertaking to employ a number of convict servants, and thus relieve the Crown of their maintenance. Much of the apparent hardship was due to the then recent radical changes in dealing with Crown lands, and to the transition state of land regulations. Beyond this, there would appear to have

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existed in the British Cabinet over which Lord Melbourne ruled a spirit of severe financial economy that somewhat militated against the dignity of the Crown.

If, however, exception is fairly taken to the treatment of the Association, it certainly may be held to apply with even greater force to the manner in which the much milder claims of John Batman were dealt with. He was not a great hero or a great discoverer, but he was unquestionably the pioneer of the district, and he cast his all in with its progress. He brought over with him the proceeds of his Van Diemen's Land estate, and what was perhaps of more value, he brought a wife and seven daughters to help in building up the community, and a son was born to him on the banks of the Yarra in the first year of his residence. Financially his affairs did not appear to prosper in the new colony. It seems to be implied by the narrators of the early days that the want of success was his own fault, was, in fact, want of steady application, of temperance and of industry. His family averred that his health was shattered by the hardships he underwent in the preliminary exploration, and that his early death was its direct result. Be this as it may, it is certain that with the capital he brought with him he erected the most substantial house in the place, with stores, barns and huts for his servants; planted some hundreds of fruit-trees in his garden facing the Yarra, and brought under the plough some twenty acres of land which the great railway terminus now covers. The buildings were mostly put up before he was warned that he was a trespasser, and all were in existence before the town was surveyed. Nor was he without a proper sense of his duties as a citizen, for he entertained Captain Lonsdale for a week or two after his arrival, while the primitive "Government cottage" was being erected, and he headed the list of subscriptions for building the first church with a donation of £50.

The survey of the town of Melbourne, and the general anticipation of the prospective value of the allotments, probably first brought him face to face with the chance of losing his home through inability to provide the large sum that might be necessary for the purchase of the land, if competition was keen. Therefore, on the 21st of March,

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1837, while Sir Richard Bourke was in Melbourne, he drew up a memorial to the Colonial Secretary, for transmission through the Governor, in which he set out his claims to consideration, and asked for a free grant of the twenty acres "on which he had built and cultivated, and which was not in the township now laid out". Glenelg, in reply, regretted that he could not comply with the prayer of the memorial, but he confirmed the Governor's permission to Batman to continue his occupation of the house and garden until further notice, if he abstained from erecting any additional buildings or enclosures.

A year later Batman again addressed the Colonial Secretary, this time in the light of the experience gained by the first land sale. He urged that having already expended £1,500 in improvements on the land, it would be ruinous to his family to compel him to compete under the authorised conditions. He quoted from correspondence between the Colonial Office and the Association, in which the Minister was alleged to have expressed himself as considering it "unreasonable" that improvements should be the object of general competition, and pleaded as the first occupant of the country, and the one through whose means a friendly intercourse had been established with the natives, that he should be allowed to purchase the land direct at a moderate price. Lord Glenelg's reply to the Governor of New South Wales, dated 25th August, 1838, expresses an opinion that in the purchase of the land on which his house is built, and any adjacent land actually cultivated as a garden, Batman should be allowed the full value of his improvements. It took Sir George Gipps some months to consider how the recommendation was to be acted on, and in April, 1839, he addressed a series of inquiries to Captain Lonsdale as to the value of the improvements, the estimated value of the land if sold by auction, and generally as to the validity of Batman's claim to any further consideration beyond what had already been accorded to the Association. Captain Lonsdale's reply on the 6th of May was generally adverse to any special recognition. He valued the improvements at only £400; he estimated the land as worth an upset price of £150 per acre, and that part could not be claimed by him, because it formed a portion of the town of Melbourne. But the letter concluded with an inti-

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mation that "after a protracted illness Mr. Batman died last night". It would appear as if the Government only considered that another pertinacious claimant was happily disposed of, for Sir George Gipps simply advises the Home Office that, "as an indulgence, he had consented to allow the materials of the houses and everything else that is movable to be taken away for the benefit of Mr. Batman's family".

The wail of the dispossessed widow and her eight fatherless children went up a few years later in the form of a petition to Her Majesty Queen Victoria, appealing for a plot of land somewhere else on the broad acres of the colony, but it probably never penetrated beyond the Downing Street repository for such prayers. At any rate, it was fruitless, and no compensation of any kind beyond what may have been realised by the old building materials was ever vouchsafed to the pioneer's family.

Notwithstanding the urgency of the Government to get the trespasser cleared off, no attempt was made to sell the land on which the house stood. For ten years or more it remained unutilised, until, in the expansion following on the gold discoveries, the frontage to the river became gradually covered with wharves; the extension of Flinders Street westward passed through the garden; the fruit-trees gave place to a depôt on which the coal supply of the city was stored; and in 1870 the entire hill which perpetuated the name of the discoverer, and was for long the most noticeable landmark of the settlement, was levelled for the extension of the railway yards. With the right of self-government the property had passed under the control of the Parliament of Victoria, and a community enjoying a revenue of £8,000,000 a year would certainly not have grudged having to pay the actual outlay which had been expended on his homestead by so enterprising a colonist as John Batman.

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CHAPTER IX.

THE LAND QUESTION AND THE EARLY SALES.

THE land question, in the abstract, is one that looms large in the journalistic literature of Australia, even to the present day. The landless section of all communities have caught up with enthusiasm, untempered by experience, the theories of the school popularised by Henry George, and thousands of pens have sputtered indignantly over the iniquities of landlords and the iniquity of land owning.

It does not fall within the province of this history to deal with a movement that has, so far, been limited to a vigorous expression of opinion, and has failed in Victoria to secure any legislative sanction. The land question it is here proposed to examine is the method by which the Crown disposed of the territory it had annexed, prior to the establishment of responsible Government. The modifications of those conditions by subsequent Parliaments, marked as they were by the steady growth of democratic principles, will be dealt with in their proper sequence.

In the early days of Australian settlement, it may be said that land was given away with reckless prodigality for imaginary services, and often as a personal favour by the Government for no service at all. Retired officials and pensioned officers in New South Wales were endowed with estates which have enriched their descendants "beyond the dreams of avarice". Trading companies, in return for the confidence shown in subscribing capital for their development, received tracts of country in New South Wales and Van Diemen's Land equal in area to some of the minor European principalities, and in most cases this alienation has in the end been found a serious hindrance to a more industrial settlement. After an experience of fully twenty-five years of haphazard favouritism, the British Government began to realise that some order must be introduced

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into the method of dealing with its property. It was not unreasonably regarded as the asset which should bear the outlay incurred in founding the settlement, as well as the cost of its maintenance and development.

In 1824 the Secretary of State directed that the whole territory of New South Wales should be surveyed and divided into counties, hundreds and parishes, the area of the latter being fixed approximately at twenty-five square miles. This was with a view to arranging an average price for each parish, at which any intending settler should be entitled to purchase the fee simple up to the extent of about 10,000 acres. Although the terms indicated were cash, payable in four quarterly instalments, the regulations provided certain conditions under which the employment and maintenance of a certain number of convict labourers would commute such payment, or ensure its refund by the Government after a given time. Further, there were complicated conditions covering reduced and deferred payments, extending up to twenty-five years, in consideration of proved intention to expend capital on the land equal to half its value. These regulations showed the hopeless ignorance of the nominal rules of the colony as to its geographical character and social requirements, and their impracticability was promptly recognised by Governor Darling, who wisely disregarded them.

After some years of indecision, a new series of regulations was promulgated by Lord Ripon in 1831, when some 4,000,000 of acres in all had been alienated. These finally abolished the issue of any further grants to colonists, and decreed that all lands should in future be sold by public auction at an upset price. The minimum at first fixed for country lands was five shillings per acre, which in 1839 was raised to twelve shillings, and in 1840, so far as the Port Phillip district was concerned, to twenty shillings per acre. This last increase was not based upon any theory of supply and demand, but was apparently to secure uniformity, the price of £1 per acre having been adopted by the new colony of South Australia under the Wakefield *régime*. The Board of "Colonial Land and Emigration Commissioners," which was appointed by the British Government in 1840, was responsible for the increase. This action seems to indicate that the Commissioners, who were largely interested in the South

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Australian experiment, were afraid that the settlers sent to Adelaide could not be retained if they were able to get equally good land across the border at a much lower price than that fixed by the South Australian Company.

Perhaps the most important feature of these regulations was the abrogation of Lord Ripon's instructions that all future sales were to be by auction, and a reversion to the old practice of a fixed price for country lands, retaining the minimum at £1 per acre, and the existing auction system for town lands. But their influence on settlement was not much, as they were only in force for a little over a year.

The opinion of the early settlers that this minimum was practically prohibitive, aimed specially at the pastoral interest and to prevent the accumulation of large estates, seems somewhat strained in the light of later developments. But in the early forties it was generally and vigorously maintained that it was impossible to grow wool at a profit on land that cost £1 per acre. So strong was this feeling that it found expression in the Report of a Committee of the Legislative Council of New South Wales in the following unqualified terms:—

"Simultaneously with the occurrence above enumerated, and tending to aggravate their unfortunate influence, was the measure of Her Majesty's Government for raising the upset price of land from five shillings to twelve shillings, and subsequently from twelve shillings to twenty shillings an acre. The adoption of this scale of augmented upset price has been a complete annihilation of the land fund. Neither the profits of sheep farming nor agriculture can ever justify the investment of capital in land at these prices; nor do your Committee believe that any capitalist will ever be induced to emigrate from the mother-country while such a system regulating land sales is in force."

The belief of the Council that the fixed price of £1 per acre would have no attraction for capitalists was not well founded. One of the conditions of the Commissioner's regulations was that any person paying £5,120 in cash, either in London or in the colony, would not be limited in the selection of the eight square miles of territory which that sum represented to districts already

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surveyed for occupation. If willing to take his selection in one block, he had the right to demand a special survey of such land as he elected to acquire. The regulations were only issued in Sydney in the last week of January, 1841, and within the next three months no less than eight special surveys were applied for and secured by payment of the requisite £40,960 to the Crown.

Three of these were within ten miles of Melbourne, and with the progress of settlement each acquired a market value equal to many times the total sum paid for the eight. H. Elgar's special survey covered a large portion of the best land in Boroondara, abutting on the important suburbs of Kew, Hawthorn and Camberwell. Beyond him to the north, bounded by the Yarra, F. W. Unwin's survey took in the rich park-like country around Templestowe, opposite Heidelberg. Henry Dendy's block secured him a frontage of several miles to Port Phillip Bay, including the land on which the populous suburban town of Brighton now stands. So quickly was the prospective value of this block realised, that Dendy was offered £15,000 for his certificate before he had inspected his purchase. Three of the other surveys were made in Gipps Land, of which very little was then known, and here the results, from a speculative point of view, were not so encouraging. Another taken up by Wm. Rutledge on the Sydney Road embraced the area of the town of Kilmore, and some of the richest soil in the colony. The eighth secured to Hugh Jamieson the picturesque slopes of Mount Martha, with a good deal of sandy scrub of very little productive value, though not without intervening flats of good soil.

Sir George Gipps took alarm at the rapid alienation of territory, which had mainly been arranged in London, and on his own responsibility announced that there would be no further sales pending a reference to the Home Government. His representations in that quarter were effectual, and he was directed to abolish the system of special surveys at once. A *Gazette* notice in August, 1841, terminated these, and in February, 1842, the Crown Land Sales Act was brought into force, reverting to the conditions initiated by Lord Ripon, requiring all lands to be submitted to public competition, with a minimum reserve of £1 per acre.

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It can hardly be supposed that the object of the Government in raising the upset price was solely to check the creation of a class of large landholders. That idea is at variance with their readiness to sell large blocks for cash down. Rather it would appear as if it was to put difficulties in the way of the labouring classes becoming proprietors at all. In fact, the policy which then influenced the British Cabinet was exactly the reverse of that which has been aimed at, though frequently missed, by successive Land Acts of the Victorian Government.

In 1839 it was officially believed that the European immigrant labourer was the one thing needful for the Australian Colonies, and that he could only be retained as a labourer by some check upon his passing at once into the position of a landholder. What better check could be applied to the poor man than a prompt increase in the price of the article he had come so far to secure. Twenty years later all the energies of the local Government were directed towards discovering a method by which the labourer should be put in possession of the land at far less than its marketable value, while the capitalist, supposed to be represented by the squatter, should be shut out from participation in the bargain.

It is hardly necessary to point out, that as the enhanced price theory failed to keep men as labourers who were fitted by experience or capacity to be agriculturists or sheep farmers, so the attempts of later years to exclude any particular class from participation in the soil which it was necessary to sell were equally futile.

In the early days the Government was the land monopolist, and should have based its estimate of values on what the soil, under a judicious course of agricultural treatment, might be expected to yield. But the amount of land actually required for practical farming was very small. By the official census of March, 1841, the population of the whole Port Phillip district was under 12,000, of whom nearly one-third were children. Melbourne and immediate suburbs contained fully one-half of this number. A very limited area of cultivation would provide the food requirements of these. There were no facilities for an export trade, and no market nearer than Europe if there had been, while no one thought for a moment of buying land for grazing purposes only.

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There were millions of acres of fine native grasses, and there were hundreds of sheep-owners ready to put them to profitable use and to pay fairly for the privilege, but they had neither the capital nor the inclination to acquire the freehold. The Government had to choose between meeting the requirements of the settler or driving him away. The Act to prevent the unauthorised use of Crown lands, passed by the Legislative Council of New South Wales in 1833, had proved impracticable in the attempt to enforce it, and in 1837 the Government acknowledged its defeat by passing a new Act, admitting the right to graze upon payment of a license fee. At first this fee was fixed at one penny per sheep, threepence per head of cattle, and sixpence per horse, but it was afterwards commuted to a fixed payment of £10 per annum for each pastoral holding. Lest any claim should arise on the part of the squatter that the permissive occupancy formed the basis of rights to absolute proprietorship, it was specifically declared that this license fee was not recognised as a payment of rent, but merely "as a certificate of the character, and a recognition of the precarious nature of the title of the occupant". These licenses were only granted for one year, and were revocable at pleasure; no reason need be assigned for refusing a renewal, and the decision of the Crown Lands Commissioner was without appeal. Arbitrary as were the powers possessed by these officials, they were not often exercised; but as no allowance was made for improvements, the sense of insecurity tended to restrict expenditure and to create a general feeling of discontent. At first no limitation of area was made so long as the holding was in one block, and the definition of boundaries between neighbours was left to adjust itself at the cost of much bickering; but in 1844 revised regulations restricted the £10 fee to twenty square miles of country with 4,000 sheep or 500 head of cattle. Beyond this a second fee was exacted.

The voluminous despatches which passed between the Colonial officials and the Home Secretary from 1840 to 1846, relative to the adjustment of the universal claim for some greater fixity of tenure, fill several substantial blue-books. The principles which animated the British Government are very fully set out in Earl Grey's *History of the Colonial Policy of Lord John Russell's Administration*, but

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they were conceived on abstract ideas, without any actual knowledge of the local surroundings.

Dr. Lang was very bitter in his denunciation of the autocratic handling of the subject, and of the slight which he conceived to have been put upon the Legislative Council of New South Wales, by ignoring their opinion, and not seeking their advice. Doubtless that body possessed information as to the possibilities of working the system which did not reach Downing Street, but the interests involved were so large and the effect upon the future of the country so momentous that the British Cabinet may have been excused for the exercise of a jealous conservatism. A few men, like Mr. Benjamin Boyd, had succeeded in getting possession of such enormous areas that the Crown might well be distrustful of the objects of local legislation. Earl Grey voiced this feeling in his letter to Lord John Russell (13th October, 1852) when he said: "But if the power of altering the regulations under which the Crown lands are disposed of were given too soon to every Colonial Legislature, nothing is more probable than that the small society of a young colony might think it for their interest to share among them, to the exclusion of the other inhabitants of the Empire, the lands which properly belong to all; and it is still more probable that in such a colony a few rapacious speculators might have sufficient influence to carry changes, which would conduce to their personal gain, under the plausible but delusive pretence of promoting the interests of their fellow-colonists".

But despite the soundness of this doctrine, the squatters, as a body, continued in a state of unrest, with interludes of protest or defiance, until the passing of the Act of 1846, and the Orders in Council based thereon, which were promulgated in March, 1847. The passage of this Act, which was supposed to unduly favour the squatters, was not effected without prolonged controversy. It was persistently opposed by Sir George Gipps, the Governor of New South Wales, and by Mr. Latrobe, the Lieutenant-Governor of the Port Phillip district, and their influence with Lord Stanley was sufficiently strong to block its passage during his administration. But the matter was taken up very warmly in the Colonies by the Pastoral Association, of which Mr. Robert Lowe, afterwards Viscount

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Sherbrooke, was one of the most vigorous representatives, and as its claims received strong support from influential merchants in England, the demands of the pastoralists were, upon the downfall of Lord Stanley, conceded by his successor Earl Grey, and embodied in the Act referred to. By the celebrated Orders in Council the colony was divided into settled, intermediate, and unsettled districts. In the first division the squatter could only obtain an annual license for occupation without any rights of purchase: the lands coming under this definition being those within twenty-five miles of Melbourne, fifteen miles of Geelong, and ten miles of Portland, Belfast, Warrnambool and Alberton, at that time the only considerable centres of settlement. The intermediate division included all land outside the foregoing reservations, in the counties of Bourke, Grant and Normanby, and in this division the squatter might obtain a lease of his run for eight years, with the right of pre-emption of 640 acres at £1 per acre at any time during his tenancy. The area was limited to 16,000 acres for each holding, and there was no provision for any right of renewal. Finally, the unsettled districts, representing the rest of the colony, were to be leased for fourteen years, in areas up to 32,000 acres, with a right of renewal for a further period of five years, and the still more valuable right of pre-emption to any extent during the lease, while a special clause in the Orders (cap. 2, sect. 6) debarred any person except the lessee from becoming a purchaser.

It would be tedious and unprofitable to follow at length the bitter controversies which raged round the so-called squatting monopoly. It furnished very lively "copy" for the daily journals, and abundant material for the most vituperative platform oratory. A class hatred of a virulent kind was fomented, and found expression later on in such sentiments as induced the people's tribune, Charles Jardine Don, to call upon the colonists to "drive the squatters across the Murray with their own stock whips!" Much of this feeling was based upon misapprehension of facts, and generally it may be said to have ignored justice and fair dealing.

The squatters certainly were entitled to some consideration, for they had risked their capital, and faced the trials and privations of opening up the country, which sometimes involved also the further risk of their lives. And they paid a rental for their privileges, which,

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though it may appear insignificant to-day, was, in view of their uncertain tenure, as much as could be reasonably expected, or, indeed, as was demanded of them.

Unlike the early military and civil officials, who had acquired large estates from careless administrators, there was here no pretence of favouritism. The race was truly to the swift, and "first come first served" was the motto. As each successive contingent of pioneers arrived, they pushed on through the intermediate districts already occupied into the unsettled wilds beyond. Up to the Murray on the north, and out over the western plains to the borders of South Australia, they took up their unsurveyed holdings, and with their lives at the mercy of the lurking savage formed their rough homesteads, and settled down to the cultivation of the golden fleece. Their monotonous and solitary labour, their hard fare and undaunted courage, brought to many of them in due time its appropriate reward, and their prosperity meant the prosperity of the community. The material advancement which the colony looked for was based upon the export of wool, and had not some reasonable encouragement been given to its producers, the prosperity of the Port Phillip district could hardly have been built on any other foundation. It could not live upon agriculture, it had no manufactures, and its mineral products, that were to revolutionise the world's commerce, lay dormant and unknown.

At a later stage in the colony's history, as will be seen, there came a time when the claims of the squatters were in conflict with a denser and more profitable form of settlement; but up to the time of the promulgation of the famous Orders in Council they were undoubtedly entitled to all they got from the Government.[1]

Leaving for the present the vexed question of squatting tenure, a glance may be taken at the methods adopted in the disposal of land in the towns and settled districts of the province. The arrival of Sir Richard Bourke on a visit to the settlement in March, 1837,

[1] The student desirous of fuller information on the important bearing of the Land Laws on the development of the country is recommended to study Professor Jenks's valuable book *The Government of Victoria* (London: Macmillan, 1891), and to consult the *Land Systems of Australasia*, by Wm. Epps (London: Swan Sonnenschein & Co., 1894).

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and the surveys of Melbourne and Williamstown have been already narrated. The details of the first land sale in a city that has grown to the importance of Melbourne are worth preserving, and they are given in full in an appendix at the end of this volume. They will probably serve in the future, as they have done in the past, as the text of many arguments about the right of the community against the individual to the "unearned increment".

The 1st of June, 1837, may be regarded as the starting-point of Melbourne proper. Prior to that date all the residents in the unnamed settlement on the banks of the Yarra were contumacious trespassers, flouting a proclamation by the Crown. Their offence had been condoned by the local officials, and a reluctant consent had been wrung from the British Cabinet to their remaining in possession if the requisite equivalent in coin was forthcoming.

The total population of the Port Phillip district at this date could not have exceeded 500, the number stated by Sir Richard Bourke in his message to the Legislative Council in the same month, but it was receiving such daily increase that by the 31st of December, 1837, it was officially returned at 1,264. Probably more than three-fourths of those present at the date of the first land sale had come from Tasmania, and none of them were capitalists in the sense attached to the word to-day. Those who had possessed money had invested most of it in stock and in the hire of the means of transit. Their ambition did not take the form of a desire for urban allotments, though possibly a few of them saw a tolerably certain prospect of increased values as a result of the rapid immigration. The chief buyers were those who had come with the business object of building up a centre of supply for the outlying pastoralist. The crowd of some 150 persons gathered around Mr. Hoddle's extemporised rostrum mainly consisted of men who only desired a lawful footing on which they might raise a home for themselves and their belongings. If there was any speculative element it was probably in the Sydney buyers, who, personally or by agents, secured about a dozen out of the 100 half-acre allotments which the Governor authorised to be offered.

Mounted on the trunk of a fallen tree Mr. Hoddle, having expatiated on the consideration shown by Sir Richard Bourke in

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bringing this golden opportunity into the very camp of the intending settlers, despite the fact that the greater abundance of capital in Sydney would have ensured higher prices, proceeded to read the conditions of sale. They were very simple: A deposit of £2 2s. on the fall of the hammer, and the balance within a month. For the first time in a Government land sale in Australia, a condition was inserted binding the purchaser to erect, within two years, on each allotment a "substantial building," costing not less than £20. This would seem to indicate that in 1837 £20 was expected to do what £200 would have been inadequate to accomplish ten years later.

Of the twenty-four ten-acre blocks which had been provisionally marked off as the area of the future town, five, comprising what is still the most active business centre of Melbourne, had been subdivided each into twenty allotments, approximating to half an acre each. Except for a few special corners the competition was not very keen. That the buyers were soon satisfied is shown by the fact that the 100 lots were distributed amongst sixty-six competitors. Only one man, Mr. Thomas Browne, purchased five; three others got four each, six got three each, seven secured two each, and the remaining fifty-one fell to single purchasers.

Mr. John Pascoe Fawkner strengthened his claim to pose as the father of the settlement by buying the first lot offered for £32. It was the eastern corner of King and Flinders Streets, about the nearest lot to the landing-place in the Yarra basin. His rival, John Batman, secured the corners of William and Flinders Streets and William and Collins Streets, at the enhanced price of £75 and £60 respectively. Another of the discoverers, Mr. John Helder Wedge, the Surveyor, secured three valuable corner lots in the centre of the town at about the same figure.

The highest price given for a single lot was £95 for the half-acre at the north-east corner of Collins and William Streets. The competition in this case was probably due to the fact that it was about the highest point in the surveyed area, commanding a fine prospect of the Yarra, and, with Collins Street falling away from it on the east and on the west, a general view of the whole settlement. The lowest prices were received for the lots on the north side of Collins Street, between Elizabeth and Swanston Streets,

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three of them selling as low as £18 each. Although this is now known as the most attractive shopping quarter of the city, and perhaps the most valuable, it was then regarded as flat and liable to inundation from the gully which ran down Elizabeth Street, and which in rainy weather made it difficult of access.

At the close of the sale a block at Williamstown was submitted, but only seven allotments were sold. The proceeds of the day's work totalled some £3,800; the Melbourne allotments averaging £35 each, those at Williamstown £46.

As the dignity of the office of Surveyor-General, recently conferred on Mr. Hoddle, had not stood in the way of his undertaking the business rôle of auctioneer, so it did not preclude him from claiming the usual commission on the amount realised by the sales. This commission, some £56, he took out in two allotments on the west side of Elizabeth Street, covering the whole frontage between Bourke and Little Collins Streets. Judged by subsequent sales the value of these lots works out at nearly half a million sterling.

In but very few cases do the descendants of the original sixty-six purchasers retain any appreciable interest in the properties which carried such possibilities of wealth. Many of the buyers were tempted to take the immediate profit on a resale when the demand arose within a year or two. Many were involved in the financial troubles of 1843, and their properties passed to their creditors. Some sold portions of their holding to provide funds for building on the remainder, and sooner or later nearly all the original lots were subdivided. In only one case was the land actually abandoned and the deposit forfeited to the Crown, and that was the corner upon a portion of which the Bank of Australasia now stands. The Government reserved it for some time with the intention of erecting a post-office on it, but eventually it was granted to the Wesleyan body, and a commodious church was erected on it. When Collins Street property had greatly increased in value, the Wesleyans were allowed to sell this on condition that the money was devoted to purposes of church extension. The lot which the original purchaser was unwilling to pay £40 for realised £40,000 to the denomination.

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As a rule, by the time the very high prices were reached the land had passed through many hands, with gradually ascending values, though there were a few cases in which the original grantees had reaped enormous profits. Such a case was that of Michael Pender, whose £19 allotment in Collins Street was bought direct from him in 1877 by the Union Bank of Australia for £33,000; he having for the previous thirty years drawn a very large income from the old "Criterion" hotel which he had erected upon the land in instalments. It is unnecessary to multiply instances of the natural effect of increasing population on land values, but one specimen, admittedly exceptional, may be cited as a well-authenticated illustration. The north-west corner of Collins and Elizabeth Streets was bought by Mr. Thomas Browne for £41, the frontage to Collins Street being 132 feet by a depth along Elizabeth Street of 156 feet. In June, 1890, the Collins Street frontage with a depth of only 79 ft. was purchased by the Equitable Insurance Company of the United States for £363,000. If the value of the remaining frontage to Elizabeth Street be taken at £1,000 per foot, a very moderate estimate—actual sales having exceeded it—a sum of £77,000 is to be added, making the total value £440,000, representing an outlay of £41 fifty-three years previously. In each case it is only the value of the bare land that is considered, the edifices existing at dates of the latest sale having to be entirely demolished to make room for the Insurance Company's magnificent building.

As the tide of immigration continued to flow into Port Phillip the new-comers were clamorous that the Government should give them also an equal chance of domicile, and in response to urgent appeals Sir Richard Bourke was pleased to order that four more blocks should be submitted to local competition, subsequently adding one-half of the block that had been reserved for a custom house and other public purposes. The sale was held on the 1st of November, 1837. There was a slight increase in the price realised by the eighty-three allotments sold, for they averaged £42 each; but, as before, there was no serious attempt at monopoly, no less than fifty-three purchasers sharing in the distribution. John Batman with five lots was the largest purchaser. Mr. Webb, the newly arrived collector of customs, secured three, and his colleague,

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Mr. D'Arcy, of the surveying staff, had two knocked down to him at a very small cost.

Although the Sydney papers professed to consider the price high for allotments in the wilderness, the Governor was by no means satisfied with the result, and it was decided to hold the subsequent sales in Sydney. The result justified the decision from the Treasury point of view, but it tended to stimulate the fever of speculation which, within the next three or four years, worked such serious disaster.

The sixty-seven allotments in the town of Melbourne which were offered in Sydney on the 13th of September, 1838, although by no means so central as already sold, realised an average of £118 each, as against the modest £36 and £46 of the local sales. In February of the following year a further offer of thirty-five allotments realised an average of £124. Advantage was taken of the enterprise shown at this latter sale to offer some suburban lands, and 1,000 acres, now covered by the cities of Collingwood and Fitzroy, were sold in blocks of about twenty-five acres, at an average of £7 11s. per acre. On the same date fifty-three allotments were offered in the newly surveyed town of Geelong, realising an average of £52 10s. each, almost entirely to Sydney land jobbers, and 15,500 acres of country lands in the Geelong district were sold for 13s. 9d. per acre.

The effect of this wholesale alienation to speculators, while the people on the spot who wanted small residential allotments could not get them, was to create much local indignation and to intensify the financial panic of 1843, when the Sydney speculators, under pressure of their creditors, made desperate efforts to realise.

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CHAPTER X.

THE ABORIGINES AND THEIR TREATMENT.

As the transactions of the aboriginal inhabitants of Victoria prior to the arrival of the white man have no reliable records, and as their proceedings since that event have had no retarding influence on the progress of the colony, it may seem unnecessary to devote even a brief chapter to their consideration. But the object here sought is not to deal with them from the scientific standpoint of anthropology; rather to consider how far their occupation of the country was any hindrance to settlement, what the Government did for their protection, and what was the cause of the murders and outrages that were of such frequent occurrence during the first decade.

That the subject deserves investigation in its scientific aspect is forcibly insisted on by Professor Baldwin Spencer, who points out that, owing to the isolation of the Australian continent, the primitive type of mankind, the exact representatives of our own long past ancestors of the Stone Age and cave dwellings, can be studied in living illustrations, and with the aid of the informing light which the comparatively modern science of ethnology now confers. Those who desire to pursue it will find much valuable information in the two substantial volumes compiled by Mr. R. Brough Smyth by direction of the Government of Victoria in 1878. These may be further supplemented by the labours of Mr. E. M. Curr, whose three volumes and Ethnographic Atlas were also issued authoritatively by the Government printer in 1886-87.

In the other Colonies efforts have also been made, under Parliamentary sanction, to rescue from oblivion the traditions, habits, customs and language of a type of humanity rapidly vanishing from the earth. In addition to these official records, several of the early

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colonists, who by frequent contact had become interested in the race they were superseding, have published volumes containing much valuable and detailed information. Notably Mr. Alfred W. Howitt, long resident as a police magistrate and warden in Eastern Gipps Land, and Mr. James Dawson, a very early settler in the Port Fairy district, have done good service in this direction. The latter, who had for nearly half a century exceptional opportunities of intimate acquaintance with the tribes in the western districts, and appears to have possessed their absolute confidence, is most emphatic in bearing testimony to their intelligence and to their unswerving loyalty to those traditional laws and obligations which, while of course differing fundamentally from our code of morals, take a corresponding place in the tribal organisation and its social economy. In the preface to his book, published in Melbourne in 1881, he says :—

"In recording my admiration of the general character of the aborigines, no attempt is made to palliate what may appear to us to be objectionable customs common to savages in nearly every part of the globe ; but it may be truly said of them that, with the exception of the low estimate they naturally place on life, their moral character and modesty, all things considered, compare favourably with those of the most highly cultivated communities of Europe. People seeing only the miserable remnants to be met with about the white man's grog-shop may be inclined to doubt this, but if these doubters were to be brought into close communication with the aborigines, away from the means of intoxication, and were to listen to their guileless conversation, their humour and wit, and their expressions of honour and affection for one another, those who are disposed to look upon them as scarcely human would be compelled to admit that in general intelligence, common-sense, integrity and the absence of anything repulsive in their conduct, they are at least equal if not superior to the general run of white men."

These are not the opinions of undisciplined enthusiasm, for Mr. Dawson was over seventy years of age when he published his book, and he had spent some forty years in close observation. He had taken up his station in a district where the natives were reported to be exceptionally aggressive, and more than ordinarily numerous.

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His immediate neighbours were in many cases involved in conflict with them, and had more than once called in the aid of the native police to hunt them down in their rocky fastnesses about the Eumeralla River and Mount Eeles. But by a course of treatment combining kindness with justice and firmness, and influenced above all by a sincere humanitarian interest, Mr. Dawson had secured their continuous friendship, and during the long period of his residence in the district he never suffered by any act of aggression at their hands. To a large extent this result may be taken as typical, and throws some light on the very diverse opinions expressed by the early colonists as to the native character.

Despite the praiseworthy efforts of Mr. George Gordon McCrae and some other Australian poets to preserve in stirring verse the Arcadian legends of the days—

> When wild in woods the noble savage ran,

there is little that is romantic, and nothing that is inspiring, in the vague traditions of aboriginal prowess and heroism that have come down to us. The early annals of Victoria embrace no pictures of campaigns formally entered upon against the dark-skinned occupant of the soil, which was being so rapidly appropriated by the invading settler.

The wars which our American cousins waged for two hundred years against the brave and crafty redskins ; the long struggles in Canada against the confederated six nations ; the storming by British troops of native Pahs in New Zealand ; the protracted wars, so costly in blood and treasure, involved in the subjugation of the Kaffirs and Zulus in South Africa ; nay, even the more circumscribed, but still bloody " Black War " in Tasmania, had no counterpart in the settlement of the colony of Victoria. The reason is not far to seek, and it does not necessarily imply any want of courage on the part of the invaded. They were comparatively few in number, and they were dispersed in small tribes over a large area of country. By their habits, their superstitions and their traditions they were so involved in strife amongst themselves, that there was no possible basis of federation to resist the invader.

There is naturally much difficulty in arriving at an accurate

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estimate of the number of the aborigines in the Port Phillip district at the time of its first settlement. The accounts of Tuckey and Knopwood, and indeed of all those connected with the settlement of 1803, undoubtedly err on the side of exaggeration. The statements of the absconder Buckley, who had exceptional opportunities of throwing light on this point, are quite unreliable, and neither Hume and Hovell nor Sir Thomas Mitchell encountered any large parties in the course of their wide explorations. It is true that Captain Sturt in his famous voyage down the Murray often fell in with them in considerable numbers, but by far the larger portion of these were within the territory of New South Wales or South Australia. The men who were probably best able to offer an opinion on the subject were the official Protectors of the aborigines, appointed by the British Government in 1837, and two of these, Messrs. William Thomas and E. S. Parker, have left on record the result of their calculations. The former estimates the number of natives within the Port Phillip district in 1836 at 6,000, the latter at 7,500. Other estimates range from that of Mr. Brough Smyth at 3,000 to that of Mr. E. M. Curr at 11,000. An examination of the grounds on which these estimates are based, revised in the light of later returns, leads to the belief that the figures furnished by the Assistant Protectors approximate most nearly to the truth, and that a mean, taken at 6,500, may be accepted as fairly accurate. Of this total, probably about one-third was to be found in the western district between the Colac Lakes and the Glenelg River. At the time of Sir Richard Bourke's visit it was estimated that there were about 700 natives within a radius of thirty miles round Melbourne in the Counties of Bourke, Grant and Mornington. Very little was then known of Gipps Land, but so large a portion of that province was dense forest, a class of country generally avoided by the superstitious natives, that the low estimate of 1,000 for such an extensive area was probably approximately correct.

Fourteen years later, when the separation from New South Wales was effected in 1851, an official census gave the number then existing at 2,693. Ten years later it had fallen to 1,694. In 1881 the number had been reduced to 780; and the census of 1891 dis-

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closed the fact that there were but 317 full-blooded natives and 248 half-castes gathered together in the various aboriginal reserves, and no " wild blacks " in any part of the colony.

It is not to be supposed from these startling figures that the colonists had carried on a raid of extermination. As a matter of fact, their relations with the natives for the first year or two were uniformly friendly. There never existed at any time that unreasoning panic which caused the settlers in Tasmania to believe that they could not safely occupy the country until the blacks had been got rid of. From the first tentative proposals of the Port Phillip Association, the protection of the natives, and provision for their temporal and spiritual wants, had been a prominent item in the programme. The successive British Ministers who were charged with the interests of the Colonies were all men deeply imbued with the humanitarian and philanthropic interest which was so strongly in evidence in Great Britain in the thirties. To some extent it was no doubt due to a legitimate reaction against the callous indifference of previous generations, the national conscience having been awakened by the activity of a few enthusiastic reformers. But it was greatly accentuated by the exaltation of feeling which resulted from the stirring appeals made by the advocates of the abolition of slavery throughout the British Dominions, which culminated in the grand success of the Emancipation Act of 1834.

But however generous the sentiments and liberal the provision for giving effect to them, the experiences of history were not to be reversed, and the wandering savage, to whom persistent labour was an unknown quantity, was doomed to extinction by the progress of that type of humanity with which it was impossible to assimilate him. The causes that ensured this result were manifold. Inter-tribal feuds had always been a factor that prevented any substantial increase in the native population. The universal belief that no man dies a natural death led to the imputation of witchcraft against some neighbouring tribe, and the killing of one or more of these enemies in expiation of the supposed crime. As they got pushed back from the settled districts, the well-defined boundaries of the tribal hunting-grounds ceased to be respected, and this led to renewed fighting amongst themselves. Mr. Thomas, one of the first Pro-

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tectors, has given his opinion that fully one-half of the tribes inhabiting the Counties of Bourke, Evelyn and Mornington perished in fighting the Gipps Land and Omeo natives, about the time of the first settlement. His information was, of course, to a large extent legendary, and it is more than probable that the natives exaggerated the fatalities.

The universal practice of infanticide was yet another factor. All children who were deformed, or in any way physically imperfect, were promptly destroyed; and a very large number of children were deliberately killed, with the formal sanction of the tribe, if the surroundings indicated that they were likely to be a burden upon the means of subsistence. Such drastic measures necessarily retarded increase, and when the diseases introduced by the white man began to take effect the rate of decadence soon became very pronounced.

Native traditions and the experience of the earlier settlers combine to confirm the belief that prior to the arrival of Europeans the aborigines were a typically healthy people, hardy and long lived. That their vitality was strong is evidenced by the rapidity with which they recovered from wounds that would have been fatal to a white man. It was like a reversion to the age of miracles to see a man with a skull fractured like a broken cocoa-nut recovering his senses without trephining or any other attention: or another walking about for days with the point of a spear head, which had passed through his body, protruding from his breast, calmly waiting until suppuration should have sufficiently broken down the surrounding tissues to render its extraction easy. And such cases are recorded on undeniable authority.

In their normal condition the natives had, of course, in common with all mankind, some of the ills to which the flesh is heir, but apparently they did not suffer from those forms of epidemic disease which kill off large numbers. Dysentery, inflammation of the bowels and hydatid tumours were common complaints, aggravated by, if not due to, the gorging voracity with which they compensated their appetites for periods of enforced abstinence, and by their indifference to the presence of dirt in their cooking, or of disease in the viands. Ophthalmia was very common in the northern districts

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and along the Murray, but rarely met with among the coastal tribes. They had also, very prevalently, a loathsome cutaneous disease resembling an aggravated form of itch or mange. It was very contagious amongst themselves, but did not appear to be readily communicated to Europeans.

Of the diseases introduced by the settlers, small-pox, usually the most fatal scourge to primitive people, was restricted to one serious outbreak in 1789, when it swept away many hundreds of the natives inhabiting the coast line about Sydney and the adjacent rivers. There is no doubt that it spread inland and worked much destruction amongst then unknown tribes, and traces of the disease have been found amongst the natives inhabiting the country around the Murray along its whole course. But it has not been known as an epidemic in Victoria. Pulmonary diseases and rheumatic affections increased rapidly after the tentative provision of blankets and European clothing, the intermittent use of which necessarily enfeebled Nature's resistance to severe climatic changes. Syphilis, in its more aggravated form, worked terrible havoc amongst the natives during the first ten years of the settlement, and proved exceptionally fatal besides materially lowering the birth-rate. So recently as 1876 an epidemic of measles carried off nearly 200—about one-fifth of the existing remnant. It is a noticeable and not easily explained fact that in all cases of imported diseases the usual medical remedies, which were efficacious with Europeans, very generally failed to work a cure upon the natives. Partly on this account, and partly as a result of their ingrained superstitions in the matter of disease, a general attitude of suspicious distrust was widely manifested towards the white "medicine man".

But probably all the diseases which had been originally introduced with the immigrants were less serious as factors in the process of depopulation than the deteriorated physique—the transference of the erect, agile warrior into the cringing, listless hanger-on upon the skirts of civilisation's meaner product. It must be borne in mind that though a large proportion of the early settlers were men of good character and just intentions, they were not as a rule brought into direct contact with the natives, and had little individual share in their general corruption. But every settler whose

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business was the raising of live stock had two or three, sometimes half a dozen servants as shepherds, hut-keepers, stockmen, etc., the great bulk of whom were assigned servants of the Crown, ticket-of-leave men, or expirees from New South Wales and Tasmania. As a rule, they were debased and reckless characters, slaves to drink when they could get it, prone to quarrel, and reckless of consequences in the gratification of their lust or appetite. In the sullen monotony of their animal life they risked anything for the companionship of the native women, and being practically outside the region of law, they took by bribery, by force, by murder if necessary, that which they coveted. It was impossible to prevent them spending their wages in drink, and though they loved it for itself they also found it a potent charm with which to work their will upon the natives. Such being the class of men with whom the primitive savage came mostly into contact, it is no wonder that he was schooled in debasing vices and dissipations, which belong neither to the natural man nor to civilisation, but are a base product of the subversion of the latter.

By far the greater number of the murders and outrages which occurred between 1836 and 1844 arose out of revenge for brutalities towards the natives in respect of their women, and though the loss of life in retaliation for these murders was considerable, and often sadly disproportionate to the offence, yet it did not play so prominent a part in extermination as some of the protectors and missionaries were vehement in declaring that it did.

The "fire-water" of the pale-faces, with its accompanying debauchery and insidious undermining of independent action, was a more potent weapon of destruction than the rifle of the exasperated settler, infuriated by the ravages on his flocks, or even the weapons of the native police, always glad to exercise their natural propensity for killing "wild blacks" under the ægis of authority.

While this was the case in the outlying districts, it worked with even greater intensity in the near neighbourhood of populous settlements. Mr. E. M. Curr, who is a reliable authority on the subject, says: "Experience shows that a populous town will kill out the tribes which live near enough to visit it daily in from two to ten years, venereal disease in such cases becoming common, lung dis-

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ease prevalent, and births ceasing. As a consequence the blacks have disappeared from all our old settlements long since."

This was fully borne out by the experience of the tribes whose camping-grounds were within a radius of fifteen or twenty miles around Melbourne. Stringent as were the provisions against supplying the natives with intoxicants, they were continually evaded, and once the black man had acquired a taste for that form of excitement, his degeneration was rapid and his doom was sealed. He could never be restored to his pristine simplicity, and all sense of self-respect or self-help was transmuted into a state of whining, wheedling beggardom. Shiftless and nerveless, he was ready to descend to any depths of meanness and dishonesty for the sixpence that would procure him the means of gratifying his ever-present and over-mastering craving.

The methods by which the Government sought, with such lamentable ill-success, to effect the salvation of this primitive type of humanity, may be summarised here from Parliamentary Blue-books, and the official reports of Protectors and Aboriginal Boards of Control.

The interminable despatches which passed between the English Secretary of State and the respective Colonial Governors teem with suggestions for the protection, the industrial training and the Christianising of the natives. So far as Victoria is concerned, the first practical step, apart from the tentative efforts of the Port Phillip Association, originated with the Episcopal Church Missionary Society in Sydney, which succeeded in inducing the Government to set aside a reservation on the Yarra for a Mission Station, and to appoint Mr. Geo. Langhorne to take charge of it. The site selected was that now occupied by the Melbourne Botanical Gardens, and, being little more than a mile from the town, had in it the seeds of failure which Mr. Curr has indicated. The guiding principle of this establishment was the reclamation of the young from their wandering life; to train them in some useful occupation; to teach them English, and gradually to fit them for absorption into the labouring classes of the European population. Established in December, 1836, it was visited in November, 1837, by Mr. Backhouse, the Quaker missionary from England, who described it as consisting of a few buildings of mud

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and plaster with thatched roofs, not sufficiently extensive to accommodate the mission family and the twelve native youths who were under tuition. He says: "The parents of the children come to see them at pleasure, and when they wish it, take them out to hunt; but for this the children do not seem much inclined, preferring to be fed on easier terms at the Institution. The parents are not encouraged to make long visits; they are furnished with but a few meals gratuitously, and if they choose to make longer stops, they have to earn their victuals at the rate of two hours' work for eight ounces of meat and twelve ounces of flour."

This handicap was too great a strain upon the ties of family affection, and the wily natives generally succeeded in satisfying their paternal yearnings before the inevitable working day came round. As for the youthful disciples, not even the abundant food of the mission, nor the kindly intentioned efforts of Mr. Langhorne and his wife, could overcome the inborn nomadic habit, or reconcile the restless savage to the confinement of walls and the dull routine of prescribed hours of toil or lessons. The mission struggled on spasmodically for a couple of years longer, but it never justified the expectations of its founders, and flickered out in 1839 without having done any good.

In August, 1837, Sir John Franklin, then Governor of Van Diemen's Land, had transmitted to Lord Glenelg a voluminous report, which had been furnished to him by Mr. G. A. Robinson, Commandant of the Aboriginal Settlement on Flinders Island, dealing with the position and prospects of the natives under his charge. It was a verbose and tedious document, garnished with many appendices in support of its statements. In it the writer took much credit to himself for having gathered together, as into a haven of safety, the remnant of the Tasmanian race, though certainly, if Mr. Robinson's success was to be measured by results, he was not entitled to much congratulation. But the report was so permeated with the mellifluous language of the Christian philanthropist, and so full of the most optimistic visions of the precocity of intellect and moral capacity of Mr. Robinson's charges, that Lord Glenelg was caught by the prevalent glamour, and, believing he had discovered another Las Casas, accepted the writer's assurance that humanity, religion

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and justice demanded that the experiment which had been so successful in his hands should be extended to the numerous tribes on the main continent. He emphasised the necessity for immediate action by referring to them as an admittedly ill-used and persecuted people. Despite the faith which his facile pen aroused in Lord Glenelg, it needs to be said that his prophecies about the future of the natives under his control were falsified by their absolute extinction within about thirty years from the date of his report, while the specimens of their "precocious intellect" which he furnished in the appendices are preposterous.

In a despatch dated 31st January, 1838, Lord Glenelg informed Governor Gipps of his intention to establish a protectorate of the aborigines, and announced his offer of the post of Chief Protector, through Sir John Franklin, to Mr. G. A. Robinson, whose head station was to be at Port Phillip, and for whose assistance four gentlemen, qualified for the position of Assistant Protectors, would be engaged in England and sent out. The chief was to have a salary of £500 per annum, and the four assistants £250 each, with an allowance of £100 each for outfit and passage money. Their names were C. W. Sievewright, William Thomas, E. S. Parker and James Dredge, and their duties were set forth in the despatch in much detail. Each Protector was to attach himself as closely as possible to the tribes of the district to which he might be appointed, attending their movements from one place to another, until they could be induced to assume more settled habits of life; to conciliate their confidence and respect, and to make them believe in him as their friend. He was to watch over the rights and interests of the natives, protect them from encroachments on their property, or any acts of oppression or injustice, and see that their wants or grievances were properly represented to the Government. For this purpose Lord Glenelg was of opinion that each of the Protectors should be made a magistrate. As soon as the natives could be induced to settle down, the Protector was to teach them to cultivate the ground and encourage them to erect suitable habitations for themselves of a permanent character. The education of the children as early and extensively as possible was to be regarded as a matter of primary importance. He was to promote to the utmost of his ability the

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moral and religious improvement of the natives by instructing them in the elements of the Christian religion, and preparing them for the reception of teachers whose peculiar province it would be to promote the knowledge and practice of Christianity among them. Finally, he was to learn the language of the natives as soon as possible, so as to be able to freely and familiarly converse with them; to be accountable for any provisions or clothing entrusted to him for distribution to the natives; and he was to obtain as much information as possible for statistical purposes, and keep a record of all important particulars in regard to the tribes in his charge.

This general outline of duties, of which Lord Glenelg left the details to be filled in by the local authorities, was based upon very imperfect knowledge of the habits of the natives, and on the assumption that they could be easily cured of their roving disposition, and gathered into settlements under civilised control. That the Protectors should share in their wanderings until they could be induced to settle down seems a somewhat absurd notion, as also was the idea of four men giving up their time to the study of a barbarous dialect for conventional, not for ethnographic, purposes. It was regarded by the Protectors as a slight that they were only authorised to prepare the way for that Christian teaching with which more competent hands were afterwards to crown the edifice.

In any case, the duties were such as would tax the full energies of hardy, resolute, pioneering men ready to face both severe toil and danger, and who should at least be inspired with humanitarian, if not with missionary zeal. How far the chosen four came within this category may be gleaned from the fact that they reached the scene of their operations encumbered with the impedimenta pertaining to four wives and twenty-two children. But even this generous transportation of domestic joys did not compensate; for they were scarcely landed when they began to lift up their voices against the hardness of their lot, the insufficiency of their pay, and the impossibilities of the duties assigned to them. Sir George Gipps was somewhat disgusted at the spirit in which the duties were taken up, but he was determined the scheme should have a fair trial, and to remove some of the discontent he allowed each of the four assistants half a guinea a day in lieu of rations and forage.

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He also allotted to each of them two convict servants, whom they were to ration and clothe in return for services.

The Port Phillip district was mapped into four protectorates, and Mr. Sievewright was given charge of the Geelong or western district, which extended from Corio Bay to the South Australian boundary, and northward to an imaginary line from Mount Blackwood to the Glenelg River. The headquarters were fixed at Mount Rouse.

The north-western district, placed under Mr. Parker's control, extended westward from Mount Macedon to the South Australian border, and northward to the Murray, with its reserve for headquarters on the Loddon River at Mount Franklin. The Goulburn River district adjoined this on the east, and extended with undefined boundaries away to the mountain ranges of the Buffalo, and northward to the upper waters of the Murray. This was placed in charge of Mr. Dredge, whose quarters were fixed on the Goulburn River, at a site now surrounded by populous towns, and admittedly the granary of Victoria. Finally, the Melbourne, or Western Port, district was given to Mr. Thomas, whose supervision extended from the eastern shore of Port Phillip Bay into the unknown regions of Gipps Land, and northward to the frowning barrier of the Australian Alps. His official quarters were fixed at Narree-Warren, at the foot of the south point of the Dandenong Ranges, twenty-five miles from Melbourne.

But the plotting out of the districts on paper was an easy business compared to that of getting the machinery started. There were endless complaints all round, and fresh difficulties raised at every move. The Government was committed to an expenditure of fully £3,000 a year and wanted to see some return for it. The original intention had been to form a reserve of ten square miles around the headquarters of each protectorate, and to gradually induce all the tribes of the respective districts to settle within that boundary under surveillance. Of course, such a proposal was hopeless of execution from the first, but it also set up a new antagonism. In the attempt to carry it out it was quickly found that these reserves necessarily embraced much country for which the squatters were paying license fees, and they resented being dispossessed

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in favour of the natives, who they knew would not stop there. Some of the Protectors, and notably Mr. Sievewright, were very injudicious in the attitude they assumed towards the surrounding settlers. Not content with the confiscation of all the improvements on the resumed area of their runs, they were always ready to complain to the Government of every trumpery difference that arose out of the continually simmering trouble between the shepherds and the blacks. In one of these paltry investigations, it came out in evidence that a native caught red-handed in some larcenous raid said to the squatter who was about to chastise him: "You touch me, Mr. Sievewright have you hung!" This ridiculous incident was unfortunately only too true a reflection of the general belief of Mr. Sievewright's protégés, and led to great difficulty in dealing with them.

A careful perusal of the voluminous reports and Parliamentary papers tends to the impression that Mr. Parker and Mr. Thomas took the most reasonable view of their duties, and did their best to give effect to the intentions of the Secretary of State. But even their success was not measurably encouraging, as indeed, in view of their ignorance and misdirection in the task entered upon, it could hardly be expected to be. Mr. Sievewright, whose district certainly contained the most bellicose and untameable contingent of the natives, was continually in hot water, and it was there that by far the largest proportion of the outrages, murders and retaliations took place.

In a memorial addressed to Sir George Gipps by thirty-eight pastoral tenants of the Crown on 18th April, 1840, it is stated in reference to native troubles in this particular district that "Sheep are being daily stolen, driven away, and destroyed; servants so frightened as to be unfit to discharge their duties, and in many cases murder has been committed. That your memorialists have no protection or safeguard against the repetition of such outrages, for although an Assistant Protector of aborigines has been for a considerable time stationed in the district, his presence has rather encouraged the native tribes in their aggressions, while he has not, so far as memorialists are able to discover, rendered them any service in defending their rights, or protecting them from the lower

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classes of the white population, nor do memorialists conceive his procedure in any degree fitted to improve the condition of those for whose benefit he is understood to be stationed here."

The Governor caused these gentlemen to be informed that, as twelve months had not elapsed since the Protectors entered upon their duties, both the Government and the people of England would expect that the experiment should not be too hastily condemned or abandoned; and he asked the support and co-operation of the settlers to assist these officers in carrying out their difficult duties. But in his own mind he had little hope of any beneficial result; nor did it grow with the experience of another year. On the 3rd of February, 1841, the Governor, in a despatch to Lord John Russell, who had succeeded Glenelg, said that the correspondence connected with the aborigines had increased to such a degree, since the appointment of the Protectors, as to become of itself no inconsiderable evil. He had formerly pointed out that the outrages which formed the staple of this enormous mass of papers had arisen almost exclusively in the districts under the Protectors, the remainder of the colony of New South Wales being at that time generally undisturbed. He enclosed a letter from Mr. Latrobe stating that the Protectors had not yet found time to put themselves in communication with the tribes who were constantly coming into collision with the more remote settlers, and that even in the settled districts little real influence had been gained by them over the native population. And Sir George, after referring to the prevalent belief amongst the squatters that "the presence of the Protectors is the occasion of outrage, inasmuch as their appointment has tended to embolden the blacks, and to render the servants of the settlers less resolute than they used to be in defence of their masters' property," summarised his own opinion in the following words: "The Chief Protector, whatever may be his other merits, is afflicted with such a love of writing that much of his time must be spent in that way, which would be much better devoted to active employment; and his assistants are, I believe, even more inactive than he is. They are all encumbered, as I have before had occasion to observe, with large families, and seem to have come to Australia with the expectation of establishing missionary stations rather than of itinerating

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with, and amongst the tribes. One of them has already resigned; another never quitted for more than a year the spot on which he first seated himself, called the Salt Water River, though there were no blacks there. Mr. Latrobe has complained nearly in terms as strong of the difficulty of getting another to move from Geelong."

The gentleman referred to as having resigned was Mr. Dredge. His letter of 17th February, 1840, was a most doleful production. In it he implied that he had been misled by the representations made to him by the authorities in England. Being under the impression that the work was of a missionary character, for which men with families were desirable, and expecting that "the Government would render the situation respectable," and provide such families with suitable residences and all other facilities, he had been induced to relinquish the comforts and advantages he had enjoyed in England to accept it. But he was undeceived at the outset. The £100 passage money was insufficient to procure a passage for a family, except in a vessel the accommodation and provisions of which were anything but respectable. A generous Providence enabled him to triumph over this discomfort, but apparently did not support him under the chilling reception he met with in Sydney, where, he says, he had to endure an amount of obloquy which could not have been exceeded had he been an expatriated felon. Fresh indignities were put upon him by his having to go to Port Phillip in a vessel that was taking down emigrants and soldiers, and was consequently shamefully crowded. When he got to Port Phillip he had to pay for the transport of his luggage to Melbourne, and no residence having been assigned to him he had to sojourn in a tent. After doing this, and apparently nothing else for three months, he was directed to proceed to the Goulburn River. When he demanded how his family were to be removed there, he was coldly told: "The Government has only to do with you, and knows nothing of your family". In a like strain he pours out his grievances over several pages of foolscap, and winds up by tendering his resignation.

This letter evidently excited the wrath of Sir George Gipps, for the Colonial Secretary was directed to reply, which he did, traversing the various statements, and showing how preposterously Mr.

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Dredge must have misconstrued his agreement. The Governor's own views were fairly summed up in the following passage:—

"Mr. Dredge says he was dissatisfied from the beginning; the Governor believes he was, and so also were the other Protectors; and this is one of the reasons perhaps why His Excellency from the beginning has had so little reason to be satisfied with them or their exertions. From the beginning he observed in them all, and even in their chief, a disposition to complain a great deal, and to write a great deal, but to bestir themselves in their proper avocations very little. Instead of going to the aborigines the aborigines were brought to them at Melbourne, where, as might easily have been foreseen, they became the prey of new diseases and learned new vices."

Mr. William Le Souef was appointed to succeed Mr. Dredge in the Goulburn Valley, and for a time the advent of a younger and more energetic man seemed to promise some better results. But there was no permanent improvement, for experience showed that the Protectors were quite unable to control the natives in the interests of peace, and when they temporarily gathered a few in, they became such clamorous beggars as to frighten the officials who tended them. Mr. Charles Griffith, who arrived in Port Phillip in 1840, and published his impressions of the settlement a few years later, gives a vivid picture of the state of affairs at Mount Rouse. He says the entire establishment of the protectorate consisted of six white men, three of whom were convict servants: and as two of these were constantly away carting stores, the remaining four were continually at the mercy of several hundreds of unruly savages if it had come to a rupture. The natives brought in sheep, stolen from a neighbouring squatter, and ate them at the protectorate, and when the overseer remonstrated with them they threatened to kill him. Mr. Griffith goes on to say:—

"At the time of my first visit to the settlement in 1842 there were three or four hundred natives encamped there, and the following was the daily routine: In the morning they were put into a pen and run out one by one as sheep are when they are counted, when each received a mess of a kind of burgoo, or porridge, which he carried away in a hollow piece of bark. In the middle of the day

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they were all drawn up in a row, squatted on their heels, and a wheelbarrow full of pieces of beef was wheeled round, the overseer giving a piece to each in turn. It was amusing to observe the anxiety with which they eyed every piece as it was delivered, each of them squeezing it in his hands to ascertain whether it contained any bone or no; when it had much of this, or little fat, they freely gave vent to their feelings of rage and disappointment. They all appeared sulky, and had completely the appearance of sturdy beggars receiving a dole. The allowance not being sufficient to satisfy their immense appetites, they frequently made forays upon the flocks and herds of the neighbouring settlers. In fact, this neighbourhood became the scene of greater outrage than any other part of the country, the tendency being, in the words of the Governor, to increase the irritation already existing between the two races."

Not only was the settler's hand generally against the Protectors, but the Crown Lands Commissioners and the military authorities denounced them with equal wrath. In September, 1840, Mr. Foster Fyans reported that in the western district the natives were daily becoming more daring, and appeared to consider that no punishment could await them, while the white man should be severely visited for the least offence. He accused Sievewright of grossly insulting conduct towards respectable settlers, threatening them with committal to gaol; and of illegal and improper proceedings in reopening inquiries which had been dealt with by his seniors in office. Finally, he trusted that in the interests of peace and good government Mr. Latrobe would order him out of the district. This sort of recrimination prolonged over two or three years had a very injurious influence. From remonstrance Mr. Latrobe proceeded to stronger measures, and even stopped the pay of the Chief Protector on one occasion because he had failed for a period of seven months to carry out some specific instructions of the Governor. He also suspended Mr. Sievewright, and his official report of his difficulties to Sir George Gipps resulted in that gentleman advising Lord Stanley in May, 1842, that the system had absolutely broken down. He pointed to the fact in Mr. Latrobe's despatch that £16,000 had already been spent on the experiment without contenting the individuals conducting it, or in any way

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benefiting the aborigines. He went on to express his own opinion that the course pursued by the Protectors had been from the beginning one of feeble action and puling complaint, and that while they had been endowed with power to command the respect of the settlers and the confidence of the natives, they had entirely failed to do either. Lord Stanley replied in an able despatch on 20th December, 1842, and after carefully weighing all the evidence which had been submitted to him, came to the conclusion that the failure was mainly due to the want of sound judgment and zealous activity on the part of the Protectors, and he left it to Sir George Gipps to take such steps as might be locally approved, either for dispensing with them altogether, or modifying their powers and duties as he should see fit.

By the time this decision was arrived at the power of the natives for any aggressive injury was practically gone. After 1844 there was no serious trouble with them in any part of Victoria. There were two factors in bringing the war of races to an end, both of which lay outside the provisions made by the Government for the protection of the natives. In the first place, disease, drink and slothful habits of mendicancy had, with terrible rapidity, decreased the numbers and crushed out the spirit of independence in the aborigines. Their nine years' experience of the white man had taught them, whatever the law might proclaim, that a tenfold retribution was generally exacted for every outrage committed, and that punishment, which only stopped a little short of destruction, was in store for them if they indulged in aggression. They ceased to risk the consequences of stealing or killing the settlers' sheep when they found that by hanging about the Mission Stations and Protectors' reserves they could get food and covering without submitting to regular work or permanent domicile.

But the other, and perhaps more important, cause was that under the stimulus of immigration the colony was rapidly being populated, and by a far superior type of man to the prison waifs and hardened ruffians who had in the earlier years been to the aborigines the representatives of civilisation. During the first decade of the settlement the old, bad element gradually died out, or reverted to its former condition under lock and key, and the new

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element treated the natives, as a rule, with firmness and justice, respected the laws which aimed at their protection, and gave them no cause for personal revenge as the answer to brutal license.

The cessation of outrages diverted Sir George Gipps from immediate action. Such a multitude of advisers offered their own infallible specifics for the salvation of the natives, physically and spiritually, that he could not decide upon the solution of the problem which Lord Stanley had handed over to him. Meanwhile, he did nothing, and the Protectors held on to their offices until the end of 1849, when they were formally abolished, and a Board for the Protection of the Aborigines reigned in their stead. Out of the wilderness of official correspondence, reports and returns pertaining to the protectorate period, fragments may be gathered from the pens of Mr. Thomas and Mr. Parker which contain valuable and reliable information on aboriginal lore, manners and customs, without much claim to the accuracy of scientific anthropology. But such results were dearly paid for at £60,000, which the department cost the State, without achieving any greater success than satisfying the appetites of something like 1,000 savages, and distributing to them the annual dole of shirts and blankets.

Unhappily the same tale of failure has to be told of the efforts of the missionaries. The Church of England, the Wesleyans, the Baptists and the Moravians all took an active part in the good work, and as the stations which they established as spheres of influence were widely separated, these efforts were not retarded by personal or local jealousies. But the result was equally barren in all cases. Zeal was not wanting, but the material to work upon had been hopelessly contaminated by a different class of instructors, and the native mind could not grasp the high ideals and philosophical deductions which the enthusiastic apostles thought necessary as a foundation. They laid it down as incontrovertible that Christianity must pioneer civilisation : it must be the starting-point. Hence, it is not to be wondered at that their hope perpetually alternated with despair, and it seems quite childish for a man of Mr. Parker's experience to be driven to write : " What can be done with a people whose language knows no such terms as justice, holiness, sin, guilt or redemption ".

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The natives were amenable to the soothing influences of a full stomach and a life of *dolce far niente*. If they could have been reached at all, this was the pioneering channel. But the inborn craving for animal freedom and irresponsibility revolted against the prescribed task, however mild, and the mental effort necessary to absorb doctrine broke them down utterly.

The most persevering effort was that made by the Wesleyans at Buntingdale, near Lake Colac, in a country then remote from settlement and but vaguely known. The mission was generously supported by Government, and for several years it seemed to promise good results in weaning the aboriginal youths from the habits of their forefathers, and making them useful members of the community. But, despite example of heroic self-denial, the innate tendencies could not be conquered, and after enjoying the flesh-pots of Egypt for a while, the young converts threw off the mental and bodily trammels of civilisation and made for the woods.

It was a cruel commentary on the assertions with which the Church Missionary Society in London had bombarded Lord Glenelg when he was sending out the Protectors. With unwavering faith in their own views, they had told him: "It must appear clearly to all who seriously consider it, that there is nothing but missionary effort to save these wretchedly corrupted natives from becoming extinct; but missionary effort, if duly supported and properly directed, is capable of doing this, and more; it will, under the Divine blessing, raise them to a level with civilised nations, and elevate them to the standard of true believers in Jesus Christ".

But missionary effort, zealous, faithful, sparing itself in nothing, did notwithstanding fail utterly to do these things, though it was "duly supported and properly directed". And it had the advantage or otherwise, according to the point of view, of being presented under the auspices of five or six Protestant sects.

As the pressure of settlement began to close upon the natives, and their natural resources to fail them, they had, perforce, to consent sulkily to be gathered into reserves under the supervision of the Aboriginal Board, and here, with a clumsy and unwilling attempt to bend their lives into harmony with their surroundings, they are dwindling away to extinction. It is doubtful if, out of the whole

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native population, as many as one hundred ever understandingly embraced Christianity, though of course far more than that number have listlessly conformed to its outward and visible signs. But the triumphant air with which in some of the reports the ability of a black-fellow to give the correct answers to his catechism is extolled as proof of spiritual progress is little less than absurd.

In the still existing reserves at Corranderk, Framlingham, Lake Condah, Lake Tyers, and others, the natives are of course furnished with the means of attaining such education as they can absorb, and have the benefit of regular religious services.

As to the question of the loss of life sustained in actual fighting, it may safely be said that its bearing upon the decrease of the aborigines has been generally exaggerated. At no time did it rise to a condition of warfare. With the single exception of an attack made in April, 1838, on Mr. Faithful's party between the Ovens and the Goulburn Rivers, when some three hundred natives surprised them and killed eight of the servants in charge of the sheep, and dispersed the remainder, without suffering any loss themselves, the murders of white men were nearly always limited to individual cases of solitary shepherds or hut-keepers. That these were not so numerous as generally supposed may be gleaned from the official statement of Mr. Parker, who records the total number of white people killed within his district, a very populous one, as eight. Within the same period he returns the number of natives "reported" to be killed by the whites as forty-three. In 1841 he reported that of the natives under his charge twenty-four had been killed during the previous two years, by raids from hostile tribes, which he was powerless to prevent.

The other Assistant Protectors did not publish such exact returns, and in the district under the control of Mr. Sievewright the figures relating to the natives would undoubtedly be larger. There were two very serious cases there, which evoked much severe comment at the time and led to the active intervention of the law. The most important in point of numbers was that of Messrs. Whyte Brothers, whose station on the Wannon was raided by a body of natives in March, 1840, and a considerable number of sheep driven off. The owners called in the assistance of some neighbouring

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squatters, and started in pursuit, a well-armed company of ten. When they came up with the natives they found them cooking some of the sheep, and prepared to defend possession of the rest. For more than an hour they stood their ground, hurtling spears and defiance with considerable bravery, though they only succeeded in wounding one of the white men. But the result was disastrous, for at least thirty of the natives fell before the bullets of the assailants. The Messrs. Whyte at once reported the matter to the Government, and after full inquiry the depositions were submitted to the Attorney-General to advise if the slayers could be criminally indicted. He held that the natives were the aggressors, and that the owners of the sheep were justified in defending or recovering their property by force of arms when they were attacked without provocation. Mr. Latrobe did not feel justified in ordering a trial in face of the explicit opinion of his chief law officer, but the decision evoked much controversy, and gave special umbrage to Mr. Sievewright, who hinted that an independent jury would have taken a different view.

The other case was an instance, happily by no means common, of undoubted wanton outrage, and stirred Mr. Latrobe to very outspoken indignation. On the night of the 23rd of February, 1842, two men, four women and two children attached to the Mount Rouse Protectorate were asleep in the scrub only a few hundred yards from the homestead of Messrs. Smith and Osprey's station in the Port Fairy district. They were awakened by the sound of voices to find themselves surrounded by a party of eight men who, without warning, commenced firing upon them at such close quarters that their bodies were scorched by the burning powder. The two men succeeded in effecting their escape, carrying off one child, but three of the women and one child were killed outright, and the fourth woman was left, when these ruffians withdrew, with one bullet in her back, and her hand shattered by another. The natives who escaped made their way at once to Mr. Sievewright, who verified their statements by visiting the spot and examining the dead bodies, and recording their wounds in the presence of Messrs. Smith and Osprey. But the owners of the station individually, their manager and all their servants vehemently denied any knowledge of the deed,

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and professed absolute inability to offer any suggestion as to the cause of such wanton brutality. Subsequent events proved these statements to be a conspiracy of falsehood, Mr. Osprey afterwards declaring that his excuse for thus lying was the threat held out to him by the murderers, who had really started from his own hut, that they would shoot any person who dared to inform upon them. It was while the villains who perpetrated this cowardly butchery were undiscovered that the settlers of the district addressed Mr. Latrobe, urging further police protection against the increasing hostilities of the natives. In his reply the Superintendent promised to do what was practicable in that direction, and said that while the destruction of their property by savages, if unprovoked and unrevenged, certainly demanded sympathetic consideration, he yet had another side of the picture to present. He wrote: "The feeling of abhorrence, which one act of savage retaliation or cruelty on your part will rouse, must weaken if not altogether obliterate every other in the minds of most men, and I regret to state that I have before me a statement, in a form which I dare not discredit, showing that such acts are perpetrated among you. It reveals a night attack upon a small number of natives by a party of the white inhabitants of your district, and the murder of no fewer than three defenceless aboriginal women and a child in their sleeping place; and this at the very time your memorial was in the act of signature, and in the immediate vicinity of the station of two of the parties who have signed it."

In conclusion, he makes an earnest appeal to them to come forward and aid the authorities in clearing the obscurity from this horrid deed, and to purge themselves and their servants from suspicion by ceaseless activity until the murderers are discovered and the district relieved from the stain of harbouring them within its boundaries. Though the real facts were known to many, and certainly to two of the recipients of Mr. Latrobe's letter, they made no sign. But a coarser form of appeal, in the shape of a reward of £100, with a free pardon and a passage to England if the informant was a convict, tardily brought one of the ruffians to offer himself as Queen's evidence. Eighteen months after the murders, the manager of the station and two subordinates were brought to trial for the

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capital offence; the others had all left the colony. The trial in Melbourne lasted two days, and although the Attorney-General for the Crown, and Mr. Redmond Barry, as Standing Counsel for the natives, conducted the prosecution with vigour, the evidence of the informer, Mr. McGuiness, was so tainted and unsatisfactory, and his antecedents were so villainous, that the jury would not believe him, and acquitted the prisoners. Though there was undoubtedly a miscarriage of justice, the Judge held that the nature of the testimony justified the jury in their finding, and Mr. Latrobe, in advising Sir George Gipps of the result, expressed his strong belief in the guilt of at least two of the prisoners, but saw no way to proceed further.

When on the point of relinquishing his position as Lieutenant-Governor of Victoria, Mr. Latrobe addressed a circular letter to a large number of the early settlers requesting information as to the circumstances of the first occupation of various parts of the colony. To this he received over forty replies, some of them of considerable length, and the whole containing such a mass of valuable historical information that, when, many years afterwards, he handed them over to the Trustees of the Public Library, it was resolved to print them, and the volume was issued in 1899 under the title of *Letters from Victorian Pioneers*. One point on which Mr. Latrobe specially asked for information was the character and customs of the aborigines and their treatment by the settlers. Out of forty-six letters from men who had an intimate experience of the natives, thirty-two have more or less good words to say in their favour, and fourteen denounce them as treacherous, implacable, bloodthirsty and incapable of improvement. As before indicated, the majority of the denunciations come from the district over which Mr. Sievewright presided, and it is easy to see that his line of action undoubtedly tended to promote antagonism between the races. The old maxim that a good master makes a good servant had a strong bearing on the case, and a perusal of these letters leads to the inference that where the natives were firmly and judiciously treated there was seldom much trouble arising.

On a review of the somewhat imperfect data, it would appear that the total number of the aborigines who fell in conflict with the whites within the Port Phillip district might be stated approximately

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at 350; while, on the other side, the number of white men killed by the natives did not exceed fifty. Spread over a period of ten or twelve years, and covering the penetration of unknown wildernesses, and the confronting of wild tribes who had never before seen a man of a different colour to themselves, the figures are not startling. Very largely the fatalities were unavoidable, and they compare most favourably with the experience of other countries under similar conditions of occupancy.

The substitution of more than a million of industrious and peaceful people for a roaming, fighting contingent of six thousand cannot be said to be dearly purchased even at the cost of the violent deaths of a fraction of the most aggressive amongst them. The regrettable murders of harmless and inoffensive natives, which did occasionally take place, were the work of criminals, with which every community is infested, and to which this community in its infancy was very specially exposed.

There is no serious stain necessarily resting upon the reputation of the colony from the retrospect of its treatment of the aborigines. It has been shown that costly and continuous efforts were made for the amelioration of their condition, and that these failed, not from neglect, but from the absolute incompatibility of the native character with even the primary conditions of civilisation.

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CHAPTER XI.

THE EARLY ADMINISTRATION OF MR. LATROBE AS SUPERINTENDENT.

Charles Joseph Latrobe, C.B., who, under the title of Superintendent of the Port Phillip district, discharged a Deputy-Governor's functions from September, 1839, until the establishment of the colony of Victoria in 1851, was a cultured, Christian gentleman, the son of a Moravian minister in England, and originally educated to follow his father's profession. Though but thirty-eight years of age at the time of his arrival, he had travelled much in Europe and America, and had published two or three volumes of his ramblings. He had accompanied Washington Irving in that *Tour on the Prairies* which helped to keep alive the glamour of romance that Fenimore Cooper had cast around the Red Indians. Mr. Latrobe had abandoned the prospects of a career in the Church for an official life, and having very satisfactorily executed a mission of inspection in the West Indies, entrusted to him by Lord Melbourne's Cabinet, he was selected for the position at Port Phillip, the creation of which had been so strongly recommended by Sir Richard Bourke.

It is almost incredible that a man of Mr. Latrobe's placidly amiable and unselfish character could have aroused such an amount of bitter antagonism as he was destined to experience during his Australian career. Doubtless it was these very qualities that brought about his troubles. His fiercest detractors were forced to acknowledge his high ideals of duty in private as in public life—his delicate courtesy to all, the self-denial involved in his many charities, and the entire absence of any suspicion of greed, either of power or pelf. But they did not understand the subtler refinements of his nature; the shrinking sensitiveness from giving pain or disappointment, the timidity with which he questioned his own decisions, and the self-

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abnegation which sometimes unhappily permitted him to be swayed in those decisions by stronger minds, too frequently animated by selfish considerations. His conscientiousness was almost as pronounced as that of George Higinbotham, but he lacked the firmness of character and the indifference to public outcry which marked the Spartan intellect of that eminent politician and judge.

It was one of the favourite gibes of Latrobe's detractors in the press to represent that Glenelg intended him for the position of a kind of superior Protector of the aborigines, and that by accident he had been pitchforked into that of a ruler of men of more capacity, more spirit and more backbone than himself. Such taunts as these, and many other misrepresentations, both of his actions and his motives, he allowed to pass without vindicating himself, satisfied in his own integrity, hating contention, and believing that truth must prevail without his championship.

And so he grew more retiring as the years went on, less ready to be trotted out on every public occasion, and more wedded to the happy domesticity of his Jolimont cottage, his books, and to the absorption of his voluminous correspondence with Sir George Gipps and the contentious Aboriginal Protectors.

The extravagant panegyrics with which the *Port Phillip Patriot* heralded his arrival were couched in the superlative degree, as the following sample will show: "He comes to us as our good genius, to assist to develop our resources, and place us high in the scale of Colonies. Colonies! nay, he comes here to found a mighty Empire! And if his conduct here may be judged of by his former life, then he comes determined to perform for this country those services which will hand him down to posterity as a patriotic founder of a new state."

Even before he had set foot in Melbourne the local press waxed indignant over the paltriness of the salary allotted to the office. It was impossible, they declared, that he could support the state required by his position amongst "the rich proprietary of Port Phillip" on such a miserable pittance as £800 a year, with a paltry allowance of £225 for a secretary and sundries. They declared that the colonists would not be satisfied until it was made £2,000. Comparing these wild outpourings in 1839 with the tone of the

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press generally, and the *Argus* especially, five years later, it is difficult to realise that they are dealing with the same man.

It was but four years since the first hut had been erected on the banks of the Yarra by Fawkner's advance party, and less than three since the New South Wales Government had authorised the legal occupation of the place in which Mr. Latrobe now found himself. A population of nearly 3,000 persons had in that short time taken possession of the town that had been planned by Messrs. Hoddle and Russell. The density of the population, if such a term can be allowed, was in the block bounded on the east and west respectively by Swanston and William Streets. Even in Collins Street, between those points, there were many vacant allotments, and of the houses barely a hundred were built of brick, a few of them having a second storey. The remainder varied from neat weather-board structures to the roughest kind of log-shanties with bark roofs, which demanded a liberal interpretation of the Government's stipulation for "a habitable dwelling worth £20!" This street had been cleared of trees and stumps within the area named, and a rough centre roadway formed by convict labour, but there were no footpaths, and where the shopkeeper had not personally made provision for access, pedestrians had to take their chance over very rough material. The crossing of Elizabeth Street, which was practically a gully, was always a matter of very careful driving, and after heavy rain it was commonly necessary to go as far north as Lonsdale Street to pass over it with safety. To the east of Swanston Street there were not more than half a dozen dwellings, the roadway was unformed, and the gaunt gum-trees made a ragged avenue. Flinders Street, from King Street eastward to where the punt crossed the river, near the site of the present Princes Bridge, had some twenty buildings, looking out upon a waste, swampy space between them, and the thick ti-tree scrub which fringed the river's bank. The landing-place at the foot of William Street was wharfless, though a few poles and planks enabled moderately active passengers to disembark without plunging into the all-surrounding mud and slush. The alignment of Bourke Street as a whole was somewhat indistinct from the quantity of timber at its eastern end, but a post at the corner now occupied by Menzies' Hotel bore the legend—"This is

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Bourke Street". From this indicator down to Elizabeth Street there was a score of shabby dwellings, and the nucleus of a sale yard for horses and live stock generally. For the rest, there was a number of private dwellings and places of business in the western end of Flinders Lane and Little Collins Street, and outside these boundaries, here and there a hut or two, and a tent or two were dotted on the landscape, where utility had infringed upon the primeval beauty of nature.

The only suburbs at this date were "Newtown," a name afterwards changed to "Collingwood," and "Emerald Hill," now known as South Melbourne. The latter was rather a temporary camping-place than a promising village, for it had not yet been surveyed for a township, and access to Melbourne by punt was tedious and expensive. But a large part of the district now embraced within the boundaries of the cities of Fitzroy and Collingwood had been sold in February, 1838, at an average price of £7 per acre, mostly to Sydney speculators. They had promptly cut up their sections into many small allotments, for which they had a ready sale at an enormous profit. Their method of subdivision, each vendor seeking to make the most out of his own block, sadly interfered with the proper alignment of the streets when, eventually, the control passed into the hands of a local corporation.

Eighteen public-houses, calling themselves hotels, catered for the physical needs of the population, too often supplying its cravings without regard to consequences. The best at this time was undoubtedly Fawkner's, at the corner of Collins and Market Streets, with which was associated the nebulous beginnings of the Melbourne Club.

There were but two places of worship *in use*, though the foundation-stone of the first Congregational Church in Collins Street East had been laid; the Presbyterians were gathering in the funds which the Government required as a guarantee of their *bona fides* before conveying to them that site in Collins Street which is still occupied by the Scots Church. The Roman Catholics were also negotiating with the Sydney Government for the site in Elizabeth Street on which St. Francis' Church stands, and had commenced a temporary wooden structure on it in anticipation.

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The members of that church were loud in their complaints at being sent so far out into the bush !

Meanwhile, the two buildings in use were admittedly insufficient for the requirements of the settlers. The wooden room on the site of St. James's Church was only 20 feet by 16 feet, and after serving the Anglican community in the morning was lent to the Presbyterians in the afternoon. The other, belonging to the Wesleyans, was a brick building, 30 feet by 16 feet, at the corner of Swanston Street and Flinders Lane, and its congregation appeared to thrive numerically and financially from the first.

There was no place of amusement, though even in these early days the horse occupied a post of honour, and race meetings were held with considerable frequency. The responsibility of preserving order was vested in the police magistrate, aided by one chief and eight ordinary constables. A Court of Quarter Sessions had been inaugurated four months previously, and had introduced the jury system into the district at its first sittings in May.

A small company of military had been sent round from Sydney with Captain Lonsdale, and these were subsequently increased to about forty in all, but their duties were clearly defined, and mainly concerned the supervision of about fifty convicts and a hundred or so of ticket-of-leave men, who were employed by the Government in forming the streets and putting up such buildings as the administration required.

Of the approximate 3,000 inhabitants of Melbourne when Mr. Latrobe landed, about 400 were, as merchants, traders, shopkeepers, auctioneers, and small farmers, the holders of more or less capital, and employers of labour. There was a small official class ; the soldiers, convicts and conditional pardon men made up about 250 ; and the remainder consisted of servants and labourers, and a contingent of newly arrived immigrants from Launceston and Sydney waiting for something to turn up. The preponderance of the male sex was roughly two to one female. So far as the substratum of the community was concerned, there was not much ground for complaint. The conditions of life were rough, the fare was not delicate, and the lodgings were makeshift. But there was no absolute poverty. Work was abundant, wages were high, bread

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and meat were cheap, game and fish to be had for the taking, and no outlay was necessary for keeping up appearances. The man whose labour was worth having could rest assured of plenty to eat and drink, and something to put by if he could avoid the grog-shop when his exchequer was full. Many of the labourers of 1839 were substantial capitalists before gold was discovered, and as they generally invested their savings in real estate they became suddenly wealthy in 1851.

But the mercantile and trading classes chafed under the conditions that left their more important interests to the decision of a semi-military, bureaucratic and irresponsible administration located six hundred miles away, ignoring their complaints, and, as they thought, seizing upon the local revenue from land sales to beautify the favoured city on the shores of Port Jackson. There was a strong feeling of antagonism towards the despotic courses of the naval and military martinets who had ruled New South Wales in the past; the knowledge that their new Superintendent was not a military man, though unhappily subordinate to one, quickened the sentiments of regard with which the settlers at Port Phillip offered him welcome.

The steamer *Pyramus* from Sydney, with Mr. Latrobe on board, anchored in Hobson's Bay on the 30th of September. It was intended that the official landing should take place next day, but a heavy storm caused it to be postponed until the 2nd of October. The delay, however, was unavailing, the elements continuing unpropitious, and he landed in a heavy downpour of rain, which, while it did not appear to damp the enthusiasm of the expectant crowd, turned the route of the procession into a slushy quagmire. From the muddy bank of the river the Superintendent was escorted with some difficulty up William Street to the corner of Collins Street, where, on the site now occupied by the Australian Mutual Provident Society, stood the principal auction-room of the town, the largest available indoor space. Just within the portals of a room crowded to suffocation, and with a mob of several hundreds outside in the pitiless rain, Mr. Latrobe received the inevitable address of welcome, and made his formal announcement of taking over the Government. Though by no means an orator, he spoke

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well and feelingly on this occasion, framing his remarks probably upon a higher moral plane than most of his audience were accustomed to. The shabbiness of the surroundings, emphasised by the dismal weather and the general air of makeshift, contrasted with the high-flown language of the address of welcome, which assured him that Melbourne contained "most of the appendages of an advanced civilisation," probably accounted for his concluding words, that "our energy as a people must make up for our want of means".

As the rain cleared off towards evening the deferred festivities were carried out. The town was illuminated, so far as such a feat was possible with tallow candles and oil lamps as a basis; bonfires blazed on all the near eminences; salvoes of firearms continued to be heard far into the night; and cheers went up intermittently from many jovial gatherings, where the homely ration grog worked up as much enthusiasm as the costliest champagne.

Having settled down to business again, the residents, holding vague and generally exaggerated ideas of the powers vested in their new governing official, proceeded by petition, deputation and otherwise to call his attention to the many wants which they had vainly represented to the Sydney authorities. Amongst the most pressing requirements they demanded a lighthouse at Williamstown, to guide vessels in reaching the river, and something in the shape of a wharf for their reception in Melbourne. Further, that the wharf should be connected with the business part of the town by one good street, traversable in all weathers; that the tree-trunks and stumps should be cleared out of the principal thoroughfares; and that Collins Street at least should be provided with continuous footpaths.

From the nature of these demands it was evident to Mr. Latrobe that what was required was some form of municipal government, which would give the citizens the conveniences they asked for, but at their own cost. He entered fully into the idea of improvements, and in view of the flourishing revenue of the Custom House promptly ordered the erection of the lighthouse at the mouth of the Yarra, and some other conveniences for the shipping in the river.

But the authorities in Sydney kept a jealous hand on the purse-

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strings, and it was not easy to get the requisite sanction for local expenditure. Up to the end of 1839 the revenue of the district from custom duties, licenses, etc., had been £19,886, and land had been sold producing £76,274, a total income of £96,160. Against this the expenses of Government and public works had absorbed £48,108, and £12,404 had been expended by the Colonial Treasurer on immigration to Port Phillip; thus a balance of £35,648, less any current commitments of the Emigration Commissioners, remained lawfully available but not accessible. It was the gradual swelling of this wrongfully withheld surplus during the ensuing four or five years that gave such vehemence to the demand for separation, and such bitterness to its discussion. There was certainly a great deal to be done to make the place attractive as a permanent home, and the rapidity with which the population was being augmented justified the general belief in a great future.

Early in the year of Mr. Latrobe's arrival two vessels had brought from Sydney a total of 400 free immigrants, who had reached the latter port under Government auspices, and had been reshipped to Port Phillip by Sir George Gipps, in response to the continuous demands for more labour to develop the resources of that district. Within a month after the Superintendent's landing, the first emigrant ship direct from England anchored in Hobson's Bay. It was the *David Clarke*, and she landed 229 passengers of the labouring class, for whom many masters were soon eagerly competing.

From the year 1832 the task, in England, of selecting and guiding emigrants had been superintended by a London Committee, formed at the request of the Secretary of State, and although the settlers had complained that the selection embraced too large a proportion of artisans and mechanics to that of agricultural and outdoor labourers, there is no doubt that, on the whole, they had provided the Colonies with a very sound and useful addition to the population. About this time, however, when the funds available for immigration had been swollen by the largely increased land sales, and the local demand for labour grew more imperious, less care appears to have been given to the selection. Dr. Lang is very insistent on this point, and his *History of New South Wales* and other publications declare that under the bounty system, whereby

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the local Government issued orders on the land revenue department at the rate of £15 for every adult immigrant imported, a clique of Sydney merchants, in league with London ship-brokers, went very extensively into the business with a view to their own profit. His contention is that the ship-brokers, relieved from Government supervision at the port of departure, raked in the least desirable class of emigrant, chiefly from the south and west of Ireland, and shipped them off to Australia in any old crazy tub that could be hired, on a dietary scale that was a disgrace to humanity. Some allowance must be made for the Rev. Doctor's fervent belief in the superior mettle of the Scotchman as a colonist, and for his rabid distrust of a nationality tinctured with Roman Catholicism. But however we may seek to tone down his scathing comments, his facts cannot be disputed. He quotes from official statistics that out of 25,000 persons imported at the public expense in the eighteen months ending on 30th June, 1842, nearly 17,000 were from the district which he held in such poor esteem, and only about 8,000 from England and Scotland together. These undesirable proportions are fully confirmed by the report of the Immigration Agent for the year 1841, which states explicitly that during that year 19,523 emigrants were sent out in the following proportions:—

From Ireland - - - - -	13,344
,, England - - - - -	4,563
,, Scotland - - - - -	1,616
	19,523

The same report also states that out of the foregoing total 7,776 were landed at Port Phillip and the rest went on to Sydney.

Considering the excessive demand for labour, it should not have been a matter of very great concern where it came from, so long as it did not bear the taint of convictism. Yet there was a very strong feeling of antagonism worked up against the employment of the predominant nationality. In the Legislative Council in Sydney on the 22nd of October, 1840, the Governor drew attention to the fact that between three and four hundred immigrants were being maintained at the public expense until they could find employment. The Attorney-General in reply said that the reason was "that they

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were Irish immigrants, and they remained on hand because they were Irish, and for that reason alone". He added that the Immigration Agent had stated that they were unserviceable, but did not state how or why, and in his opinion the strong anti-Irish feeling alone prevented them from being engaged. There was a sharp debate on the subject, but the Governor strongly deprecated any distinction being made between English and Irish immigrants, and said: "The question should be, was a man a good shepherd, or a good labourer, and if he was, it mattered not whether he was English or Irish, Roman Catholic or Protestant". The Governor's emphatic common-sense did not kill the prejudice, for three years later, before a Select Committee of the Legislative Council on Immigration in 1843, Dr. Thomson of Geelong, one of the members for Port Phillip, gave evidence that "many immigrants brought to Port Phillip are utterly useless; in point of intellect they are inferior to our own aborigines". In reply to a question as to where they came from, he replied, from the south of Ireland!

In proof of the fact that one section of the community made this a standing grievance for many years, it is only necessary to examine the annual reports of the Colonial Land and Emigration Commissioners. These disclose the fact that continual remonstrances went forward from the Colonies as to the inferior and badly educated class being sent out. So recently as in their report of 21st January, 1856, they reply in desperation that without drawing largely on Ireland they could not possibly have answered the demands made upon them, and they see no way to avoid doing so in future. This led to the Victorian Government, which had then got its Constitution, intimating that the services of the Commissioners would thenceforth be dispensed with, and a paid agent of the colony substituted.

To revert, however, to 1839-40. The steady influx of European immigrants, wherever they came from, was an invaluable aid to development, and during those two years fully 2,500 persons were added to the population from this source, irrespective of those who paid their own passages in full, and others who arrived from the Sydney side and from Tasmania.

The great influx of immigrants, however, was in 1841, for during that year no less than forty-four ships landed over 8,000 passengers

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in Hobson's Bay, and with such rapidity did they follow one another that it was quite impossible to find house accommodation for the arrivals, and from one to two thousand had to pitch their tents on the south side of the Yarra until they could decide where they were to go, or what they could do. The relatively rapid growth of the population during these two years was never exceeded, even in the height of the gold fever, though of course the actual numbers attracted by that phase of excitement were larger. At the date of Mr. Latrobe's arrival in October, 1839, the population was estimated at 5,000. Fifteen months later, on 31st December, 1840, it was officially returned at 10,291; and on 31st December, 1841, it had reached 20,416, thus doubling itself in each of the two periods. The original "Canvas Town," established in 1840, passed away with the cessation of immigration two years later, but was replaced on the same site by a much larger agglomeration of tents and shanties in 1852, when the great rush of gold-seekers set in from all parts of the world.

Richard Howitt in his *Impressions of Australia Felix* has given a delightfully simple picture of his personal experience of the earlier period, and of the characteristics of his neighbours, the dwellers in tents. Many of them were possessed of moderate capital, waiting until they could invest it in real estate. Others were professional or business men seeking an opening; for, as a rule, the immigrant who was only a labourer was engaged before he left the ship. A large number of the new arrivals, of whom Richard Howitt may be regarded as typical, were men who had been attracted to the country by the reports published abroad of its fertility and suitability for agriculture, and for the acquirement at reasonable rates of a self-supporting estate. Most of them, like Howitt himself, were doomed to disappointment. They arrived at a time when a mania for land speculation was in full blast. It had been developed by the enormous profits realised by the purchasers of 1837-38 on the subdivision and resale of their original lots. It was fostered by the reluctance with which the Government responded to the demand for land for genuine settlement, and also by the fact that the bulk of what was sold fell into the hands of Sydney speculators, who doled it out to the new-comers at an

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exorbitant profit. Many of the newly arrived immigrants, anxious to get on the land, conceded the demands of the middleman rather than face the uncertainty of Government offerings. Others waited, and in June, 1840, the most important land sale yet held came off. The excitement of expectation had been worked up to fever heat, and the town was full of eager buyers from Sydney and Hobart and prosperous squatters from the confines of civilisation. The rude building that served for a Lands Office had been besieged for a week by anxious inquirers seeking plans and other information, and the result, from the Colonial Treasurer's point of view, was an astounding success. The competition for the suburban lands, which a year before had been sold at an average of £7 per acre, ran them up to from £25 to £40, according to position, and over £100,000 passed into the custody of Captain Lonsdale, who had been appointed treasurer on Mr. Latrobe's arrival. It must be admitted that most of the purchases passed into the hands of the speculators. The new-comers stood aghast at the competition which they had to face, and Richard Howitt, who purchased his own farm on the Yarra, near Kew, at this sale, says that out of £20,000 intended to be invested by his shipmates, only some £600 was then so disbursed.

Mr. Latrobe had received permission from the Sydney authorities to select a site for his own residence, subject to its being put up to auction. This placed him at the mercy of the speculators, but the local feeling in his favour was so strong that when he offered the upset price for a fine allotment of twenty acres, close to the eastern end of Flinders Street, embracing a picturesque eminence overlooking the Yarra, no one opposed him. On this spot, which his young Swiss wife named "Jolimont," he erected the pretty, but unpretending wooden chalet which he had brought with him from Europe, and in this modest abode he continued to live until his departure from the colony. After his departure the land was subdivided and sold, so that to-day the district called Jolimont contains over a hundred houses within the corporation limits of the City of Melbourne.

The sale of the 10th of June was the last of the great struggles for land in the pre-goldfield era. The prices paid and the extent

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of the purchases exhausted the people, and, as much of the outlay was financed by the banks, with whom the Government deposited the proceeds of the sale at an exorbitant rate of interest, running as high as 7 per cent. per annum, the seeds of financial disaster were sown. The withdrawal of the Government balances some eighteen months later precipitated a crisis, which involved the steady trader in the same downfall as the speculative land jobber, by the universal depreciation in the value of all kinds of property for which there were then no buyers.

Meanwhile the community, happily unconscious of the instructions which Lord John Russell was then transmitting to Governor Gipps, to fix the uniform price of £1 per acre on all lands outside the town boundaries, continued to plume themselves on the success of their speculations with borrowed money, and to live extravagantly up to their ideas of the future in store for them. Pastoral properties, with very vague boundaries and very uncertain tenure, changed hands at rapidly advancing prices. As much as £2 per head was given for sheep with station rights, such improvements as there were being extravagantly paid for. The banks occupied a very invidious position. The rate of interest exacted from them by the Colonial Treasurer precluded them from giving accommodation to the settlers at anything like reasonable rates, and discount of from 10 to 12 per cent. was resentfully paid because there was no other channel for borrowing. The managers had to make large profits to meet the usurious claims of the Government and have anything to divide amongst their shareholders, so they lent freely on the securities arising out of land speculations, the very margins on which were created by their known readiness to assist impecunious buyers. But when the Government began to withdraw the funds for immigration purposes, and the borrowers had to be pressed, it soon became evident that land was quite unsaleable, because no one had the money to pay for it.

In the report of the Legislative Council on immigration, as the result of an inquiry into the causes of the crisis, occurs the following passage :—

"But the greatest, the most fatal error connected with the sale of the waste lands of the colony was committed in the appropriation

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of the revenue derived from thence to the purposes of immigration. A million sterling has in some shape or other been appropriated to these purposes. It was forgotten that capital and labour, as elements of colonisation, should exist in a new country in proportion to each other, and it was a fatal mistake to send the one out to bring the other in. The circulating medium, which, like the blood in the animal system, diffused life and activity through every part, has been withdrawn from use, and the colony is now in a state of inanition. What renders the matter worse is that a large portion of the sum paid for land, and thus applied to the purpose of immigration, was borrowed."

Commenting on this report, Mr. Charles Griffith, in his book entitled *The Present State and Prospects of the Port Phillip District of New South Wales*, says pertinently:—

"If it had been added that by far the greater part of the land was bought on speculation, in order to sell again at an enormous advance to expected immigrants, that a small number of men having a large command of capital attempted a monopoly with this object, and that the speculation failed, that while the land yielded no returns the interest on the borrowed money had to be paid, sufficient cause of ruin might have been discovered without looking for its origin in the subsequent disbursement of the purchase-money. . . . In my mind, the real subject of complaint against the Government is this, that by putting up comparatively small quantities of land at a time, and by holding the sales at distant intervals, they did, under the specious terms of limiting the supply to the demand, play into the hands of the monopolists. Many of the newly arrived settlers at that time were forced to buy land at any price. Several had wooden houses, and all of them had hundreds of useless things. Store rent and house rent were dreadfully high, and the expense of living in Melbourne ruinous. To persons so circumstanced land became, in a financial point of view, as much a necessity as air or water in a natural one; and it is this class of men, driven to the wall between the land jobber and the Government, that excite my sympathy. I recollect the dismay with which the announcement of a land sale at the end of 1840 was received by some of the minor fry of speculators at Melbourne. This was put off by the Governor,

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and the mischief was staved off for a time. But when Lord John Russell's measure was announced, making all surveyed land open to selection at £1 per acre, the bubble burst, and the ruin of the men who had speculated in land with borrowed capital was from that day certain, no matter what became of the purchase-money, and whether it was expended in immigration or otherwise."

Had the whole surplus revenue of Port Phillip been appropriated to the development of the district, the crisis would neither have been so severe nor so protracted. But, while in the six years ending in 1842 the revenue (including land sold) exceeded the general expenditure by £362,000, of this surplus £204,000 was spent on immigration, and £158,000 was appropriated by Sydney for local purposes. Concurrently with this arbitrarily created difficulty, a steady and persistent decline occurred in the price of wool, the staple export of the colony, and within two years the price of live stock so depreciated that sheep purchased with the right of run at 30s. to 40s. per head were sold under pressure at from 1s. 6d. to 3s. The practical ruin of the pastoral interest which resulted from this fall reacted on the trading community, and a large number of the merchants followed the majority of the stock breeders into the insolvent court, the annals of which, it is alleged, show, during these dark ages, an average dividend of about 6d. in the £.

The following extract from the private diary of Mr. Robert Russell, the Surveyor of Melbourne, dated 30th March, 1843, vividly reflects the general feeling of despondency: "Melbourne is no longer Melbourne. No money, no credit, no trade, nothing but failures—the Sheriff's Officer is the only active man in the community. Even the lawyers can scarcely succeed in getting paid. Land is worthless, and cattle and sheep little better. The latter do not fetch more than half a crown a head! We must learn the dear lesson of experience, however, at any cost, and shall be the wiser for it in the future perhaps."

Happily the dawn of a renewed prosperity was not far off. From the date of the successful application of the plan introduced by Mr. Henry O'Brien of Yass, and adopted in the Port Phillip district in 1845, of boiling down the carcasses of the sheep for their tallow, further depreciation in value of both land and stock was arrested,

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and in a very short time they began to recover a fairly profitable quotation. That sheep should be sold for 1s. 6d. or 2s. per head, when their fleece in England was worth 3s., and the tallow about 4s. more, seemed evidence of a disheartening want of enterprise; and as soon as the reliability of these figures was demonstrated the waste of good mutton was a matter of very minor consideration. Hundreds of thousands of carcasses were burned or used to manure the ground after the merchantable portion of them had been packed in bales and barrels and added to the list of the colony's exports. Gradually the clouds of depression and distrust lifted, and confidence in the resources of the colony came back to bankers and merchants alike. The settlers, warned by the terrible ordeal they had passed through, renounced those extravagant habits of living which had grown up with the hasty riches of the land-speculating era, and returned to the exercise of that frugality and thrift which has been so important a factor in the success of English Colonies.

During the half-dozen years that intervened between the adoption of the boiling-down system and the discovery of the goldfields, the progress of the Port Phillip settlement was improvingly prosperous; and its prosperity was the unmistakable result of steady industry, and the adherence to a branch of production for which the country was specially adapted. It owed nothing to legislation —for much that was passed in Sydney was distinctly adverse to Port Phillip. Indeed, as showing how injudicious and even dangerous is the attempt to legislate against "bad times," it is worth recording here that during the darkest period of the depression a Bill was passed by the newly formed Legislative Council, entitled "An Act to restore public confidence," which proposed to establish a Board of Commissioners empowered to issue notes, to be made a legal tender between individuals, and also at the Treasury for payment of taxes. These notes were to be issued to impecunious settlers on application, on their executing to the board a mortgage over their freehold properties. As was vigorously pointed out at the time, the Government was expected to become the nominal mortgagee of all the land in the country, but in reality its purchaser, with money which was to be provided by those members of the community who were able to pay their way without borrowing.

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Fortunately, the Governor refused to give his assent to this heroic measure, and it was reserved for the signification of Her Majesty's pleasure, with the result that it was never heard of again.

During Mr. Latrobe's control of the affairs of Port Phillip he secured by his own direct exertions the retention from sale of many of those valuable reserves which so conspicuously adorn the outer margin of the city. Had it not been for his urgent intervention, the Fitzroy and Carlton Gardens, and the fine open parks around, which so bountifully provide for the recreation of the citizens, would have passed under the auctioneer's hammer for the benefit of the Sydney exchequer. For this alone Mr. Latrobe's memory should be gratefully cherished, and it is regrettable that his name is not associated directly with any of the pleasant sites which he so thoughtfully conserved. Many years after he left Australia, an impecunious treasurer did succeed in persuading Parliament to realise on a few hundred acres of the frontages of the Albert and Fawkner Parks, but the public indignation, expressed too late to avert the sale, was sufficiently explicit to prevent any further tampering with the land dedicated to the people, and the permanence of all such reserves was legally provided for.

In 1842 Mr. Latrobe directed Mr. Hoddle to reserve a suitable block of fifty acres and have it laid out for a Botanic Garden. The site which the Surveyor-General selected was at the foot of Batman's Hill, with a frontage to the Yarra and running back to the western end of Collins Street. Though officially reserved it was not laid out, for even in the few months passed in making preparations it became evident that it would be a hindrance to the commercial use of the river frontage, which was already being taxed by the fleet of brigs and schooners trading with Tasmania and the eastern sea-board of New South Wales. Operations were suspended while further inspections were made, and finally in December, 1845, the Town Council memorialised the Superintendent to exchange the reservation for the present site, a couple of miles farther up the river, and beyond the limits of shipping traffic. This proposal was the more readily accepted because, in the intervening years, the original area had become surrounded by a disreputable-looking lot of shanties used as slaughter-houses, tallow-rendering works,

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and kindred unsavoury industries. It was well that this decision was come to before any expenditure had been incurred, for the eventual removal was inevitable. The original reservation is now occupied by the extensive railway yards of the principal metropolitan terminus; by the gasworks, and by thronged wharves under the control of the Melbourne Harbour Trust.

The interest which Mr. Latrobe took in the social progress of the colonists is easily recognisable in the annals of the period. Within one month of his landing he laid the foundation-stone of St. James's Cathedral for the Anglican body, and six years later he performed a similar service for St. Peter's Church on the Eastern Hill. He contributed personally towards the cost of these buildings, also securing for them liberal monetary support from the Government. But he earned his first manifestation of unpopularity by refusing his patronage to a concert that was projected to raise funds for the building of St. James's, having a conscientious objection to the support of Divine worship by such means. He took an active interest in the formation of the Mechanics' Institute, afterwards known as the Melbourne Athenæum, of which he was the patron and Captain Lonsdale the first president. He was chairman of the meeting that inaugurated the Melbourne Hospital, and on many other occasions he helped forward by his presence and purse philanthropic and educational movements. His claim to be considered one of the active promoters of the Melbourne University is affirmed by Mr. G. W. Rusden in his *History of Australia* (vol. iii., p. 38), although it has long been the custom to accord to Sir Redmond Barry the full credit of that important step. He was certainly acting in conjunction with that learned judge, but it was the Lieutenant-Governor's act, in the days when responsible ministers were not, that granted the site on which the University buildings now stand.

While the gradual improvement in the social surroundings of Melbourne during the years that Mr. Latrobe was Superintendent was a matter of much interest to him, he was the pilot who brought several important public movements to a satisfactory issue. The principal of these were the establishment of a branch of the Supreme Court, and the appointment of a Resident Judge in 1841; the incorporation of the Town of Melbourne in 1842; the initiation

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in Australia of an instalment towards Representative Government, by the creation of a Legislative Council in Sydney, wherein Port Phillip was to be represented by six members, in 1843; the advent of a bishop of the Anglican Church, which raised Melbourne to the dignity of a city in 1848; and the successful public resistance to the British Government on the question of transportation in 1849. Cropping up continuously through all these years there were the repeated passionate appeals and demands for separation from New South Wales, and the establishment of a local Government. This question was not only the most absorbing for the colonists, but it was the most disastrous for the Superintendent. Whether, influenced by the limitations of official training, he felt unable to lead an attack that seemed adverse to and was certainly discountenanced by his official superior, or whether his knowledge of the community led him sincerely to distrust their capacity to manage their own affairs, his action brought him into antagonism with the bulk of the people, and the press denounced him as being adverse to their interests. The controversy was so protracted and the issues were so important that it is necessary to treat the question of separation at some length in a future chapter, in connection with an examination of the Constitution Statute of 1842.

Early in 1841 the authorities in Sydney found it necessary to open a branch of the Supreme Court in Melbourne and to appoint a Resident Judge for the district of Port Phillip. The existing Court of Quarter Sessions was limited in its jurisdiction to the trial of petty offences and small civil cases, all important issues having to be referred to Sydney, at great cost both to the litigants and to the Government. The appointment was unfortunately conferred on a very unsuitable man, Mr. John Walpole Willis, one of the Puisne Judges of the Sydney Court, whose antagonistic relations with his colleagues on the bench made them greatly rejoice at his removal. He was admittedly a very able lawyer, particularly on the Equity side, but during the two years and a half that he presided over the Melbourne Supreme Court he involved himself in undignified and offensive quarrels with nearly every member of the Bar, with his officials, with the clergy, and most of all with the press.

He arrived in Melbourne on the 10th of March, 1841, and on the

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12th of April he formally opened the Court for legal business in a small, inconvenient brick building at the corner of King and Bourke Streets. The salary of the Judge was £1,500 per annum. Mr. Henry Field Gurner, who was Clerk of the Court, had £450 ; Mr. James Croke, the Crown Prosecutor, £400 ; and Mr. James Montgomery, the Crown Solicitor, £300. In advising the Secretary of State of these appropriations, Sir George Gipps felt it necessary to call attention to the salary of the Superintendent, and to urge that it should be at once increased to at least £1,500, in order that he might not be subordinate to the Judge in the Civil Service, a recommendation that was promptly acceded to.

It is more than probable that the community with which Judge Willis was brought into contact, not having had any experience of the majesty of the Law as Britons understand it, did not pay the conventional deference to his Court or to himself. A good many of the settlers, risen from a humble rank in life, had become rich by speculation, and gave themselves airs which the Judge regarded as offensive. It was currently believed that there had been a good deal of sharping in some of these dealings, and during the financial crisis, which culminated while Willis was on the bench, many cases came before him that seemed to display a reckless disregard of obligations and a dishonest effort to avoid implementing them. His severity in dealing with such cases had made him popular with the poorer classes, and had it been limited to what was officially before him, the violence of his comments might not have injured anything but the dignity of his office. But unfortunately he took upon himself the office of censor for the whole community. He refused to hear a solicitor who appeared before him wearing a moustache, and so vehemently threatened to have him struck off the rolls if he appeared again unshaven, that the unhappy man fled to the nearest barber and returned to find forgiveness. He was incessantly inveighing against the extravagant habits of the colonists and their proneness to get into debt. He declared publicly that he was not directly or indirectly connected with any land or commercial speculation, nor had he any relatives interested in them nor in any of the public companies of the colony. On one occasion he loftily applied to himself the words of Samuel :—

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"Behold, here I am, witness against me, before the Lord, and before his anointed. Whose ox have I taken, or whose ass have I taken? or whom have I defrauded? whom have I aggressed? or of whose hand have I received any bribe, to blind mine eyes therewith? and I will return it."

From this sanctimonious standpoint he looked down reproachfully upon all who did not pay prompt cash, and upon one occasion he electrified the Court by denouncing Mr. Croke, the Crown Prosecutor, for having given what he was pleased to call an "accommodation bill". It was not a matter properly before the Court, but it came out in evidence that, in purchasing an allotment of land from Captain Lonsdale, Mr. Croke had given a bill for part of the purchase-money, which bill had been duly paid at maturity. Mr. Croke very properly resented his private affairs being canvassed in public, but the Judge interrupted him, and declared his surprise, after what he had said from the bench about accommodation bills, that any officer of his Court should have resorted to them. He refused to listen to any explanation, and peremptorily threatened to order him into custody if he did not behave himself! The outrage was so flagrant that when Mr. Croke rose and left the Court the whole of the Bar, which included three men afterwards celebrated as judges—Messrs. Stawell, Barry and Williams—followed him, necessitating the adjournment of the Court.

With the Honorary Magistrates Mr. Willis was always embroiled, frequently threatening to commit them for supposititious contempt, and occasionally, as in the case of Mr. J. B. Were, exercising that power vindictively. His persistently insulting manner to Mr. James Simpson, the Police Magistrate, one of the most generally esteemed men in the district, enforced his resignation.

In the unexciting atmosphere of the Equity Court the Judge's abilities would have made him a reputation, but his self-importance, his restless aggressiveness and his outbursts of irritability made him the terror of the Bar and the secret laughing-stock of disinterested onlookers. More than one barrister of good standing was practically driven out of the practice of his profession during the reign of this eccentric Judge, and before he had completed two years of office he was at loggerheads with every one, from the

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Superintendent down to the Court crier. The Bar, the officers of the Court and the mercantile litigants who came under his lash combined to appeal for his removal, and it was finally effected in a rather melodramatic manner on the 24th of June, 1843.

One of the injudicious acts that helped to seal his doom with the powers in Sydney was that he read out in his Court a decision of the Full Court of New South Wales reversing a ruling he had given, and from which there had been an appeal. He punctuated his reading with sarcastic references to the intelligence of the Appeal Court, and overwhelmed their conclusions with contemptuous dissent. A course so calculated to bring the Law into contempt could not be ignored, and he was shortly afterwards removed from office by Sir George Gipps in response to an extensively signed memorial accusing the Judge of misbehaviour. Unfortunately, the steps taken in effecting his removal were not strictly constitutional, as Willis was not given an opportunity of replying to the allegations of the memorial. The consequence was that on his return to England he brought his case before the Privy Council, where the arguments dragged on for three years. The result finally reached was that the Privy Council decided that Willis ought to have been given an opportunity of replying to his accusers, but from the evidence before them they would recommend his dismissal all the same. This was then formally done by the Crown, but he was allowed to draw his full pay for the period between the date of his irregular removal and its confirmation by the Privy Council. This little episode, with the addition of legal expenses, cost the colony nearly £6,000, but by the time the settlement was arrived at the judicial vagaries had almost been forgotten.

The indignities which had been associated with the administration of justice vanished with the accession of Mr. William Jeffcott to the bench, where he took his seat on the 15th of July, 1843. He had been a leading member of the Bar in Sydney, and as none of the Judges there would consent to remove to Melbourne, he was offered the appointment. He was the very antithesis of his predecessor—courteous, impartial, orderly and good-tempered. He got through a large amount of work, and earned the amity of the Bar and the respect of litigants by his promptness in action and zeal for

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his duties. But the position did not offer sufficient scope for his ambition, and after eighteen months' experience he resigned to resume practice at the Bar in Dublin, where he had graduated. His departure elicited expressions of very general regret, and the terms of a valedictory address presented to him with over a thousand signatures were fully justified by his subsequent career, both in Ireland and in the East, where he earned his knighthood.

Mr. Roger Therry, who had been Attorney-General in Sydney for a couple of years, was appointed to succeed Mr. Jeffcott, and he took his seat for the first time on the 8th of February, 1845. He lacked the conciseness and diligence of his predecessor, and was somewhat inclined to let things drift; yet he was always on good terms with his Court and with the public, and was so neutral as never to evoke the comments of the press, then a very pugnacious factor in public affairs. But he felt the isolation of the position, and he longed to get back to Sydney, where his active political life had been spent. At the end of a year he succeeded in effecting an exchange with one of the Sydney Judges, Mr. William A'Beckett, whose health demanded his removal to a cooler climate. This gentleman arrived in Melbourne in February, 1846, and although always somewhat of an invalid, he continued to perform all the judicial duties of the district alone until separation was achieved, when he became, under the provisions of one of the earliest of the local Acts (15th Victoria, No. 10), the first Chief Justice of the new colony of Victoria, three Judges constituting the full Court. He was a man of considerable literary ability, holding broad, liberal views on both social and religious questions, prompt in arriving at conclusions, and tactful in dealing with the Bar. His name will occur frequently in the annals of 1846-56, but having a fluent pen and untiring industry, it was no secret that his views were often addressed to the colonists for their benefit, while his name was suppressed out of respect to conventionality.

Messrs. Jeffcott and A'Beckett had one material advantage over the eccentric Willis in supporting the dignity of the judicial office, for the first named opened the New Supreme Court, as it was long called, which had been erected in Lonsdale Street under the supervision of the Sydney Government architect. Compared with its

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surroundings in 1843 it was a very imposing building, and it was destined to be the theatre of some very important trials ; but forty years later, when it was deserted for the present palatial Law Courts, it had been long inadequate to the requirements of the department. In estimating Judge Willis, some excuse for irritability may be found in the cramped, ill-ventilated and badly appointed chamber in which he had to pass so much of his daily life.

However gratifying it may have been to the people of Melbourne to acquire the privilege of trying their own criminals and settling their legal differences locally, it was, after all, only a phase of bureaucratic administration. Two events of far greater importance followed close upon its heels, giving for the first time in Australia a voice to the people in the control of their own affairs. The first faint flicker of representative government, municipal and national, came with the establishment of the Melbourne Corporation in 1842, and the Constitution Act of the same year, officially proclaimed by the Governor of New South Wales on the 5th of January, 1843.

The first-named event had become a matter of urgent necessity, for the rapidity with which the town had been peopled, and the entire absence of any sanitary arrangements or regular water supply, had corrupted the pure air, as well as the sylvan surroundings which so charmed John Batman. Dysentery, and what was then called colonial fever, probably identical with typhoid, were very serious scourges during the summer of 1841-42. There was as yet no hospital, and the registration of deaths was possibly not very exact, but the records show that the mortality from these preventible diseases reached as high as twenty in a week, and the aspect of the burial ground at the north end of Queen Street became painfully familiar to nearly all the people of Melbourne. The *Port Phillip Patriot*, like many journals of more recent issue, waxed wroth with the Government under this calamity, and took it to task for not doing something to alleviate it. The exceptional heat of the summer was not under the control of the Superintendent, but the paper insisted that the Government was to blame for not clearing away " the dense wood that lay between the town and the bay, so as to give the people the healthy influence of the sea

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breeze!" With much similarly feeble fault-finding, it however clinched its arguments by demanding the immediate creation of a municipal council to supply the town with "proper civic conveniences". The result of the agitation was the passing of an Act, constituting as a corporation the mayor, aldermen, councillors and burgesses of the town of Melbourne, having perpetual succession and enjoying certain well-defined rights, by the Legislative Council in Sydney, on the 12th of August, 1842. It should be noted here that the body which passed this Act was not a representative legislature, as the term is understood to-day. The members consisted of the chief Government officials appointed by warrant of the Crown, and their proceedings were subject to the veto of the Governor, who invariably presided, and by whom all legislation was initiated. Its functions were much like those of the more modern Executive Council, except that the members were called into existence by, and owed their allegiance to, the Governor, instead of, as at present, to Parliament.

The Melbourne Corporation Act, emanating from this body (Victoria, No. 7, New South Wales), is of historical interest, for it raised the "settlement on the Yarra" to the dignity of the town of Melbourne, which was to consist of the "parish" of North Melbourne and the "suburb" of Newtown, otherwise called Collingwood, the boundaries being vaguely set out in the first schedule of the Act. The word "parish," thus used, must not be confounded with its English equivalent, being merely a geographical expression, and as such has been applied extensively in later divisions of the territory, without any reference to parochial usages. Also the definition "North Melbourne" did not mean what it afterwards came to signify, but included all the houses on the north side of the Yarra, leaving out only the few scattered habitations in the districts where Emerald Hill, Prahran, and St. Kilda subsequently developed. The town was divided into four wards by lines drawn down the centres of Bourke and Elizabeth Streets, each ward returning three councillors. The chosen twelve having been duly installed proceeded to elect four aldermen, one for each ward. In the selection they were not limited by the Act to their own body, but in practice they never went outside. On the same day and at

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the same place the aldermen and councillors were to proceed to the election of a mayor, holding office for one year, but eligible for re-election. A second, and even a third term for a popular man has not been uncommon, and the Corporation Archives show that Mr. John Thomas Smith, who was returned as a councillor for Bourke Ward at the first election, filled the mayoral chair no less than seven times.

The Council, then in complete deliberative form, had in its own hands the appointment of the town clerk, the town treasurer and the Surveyor. These are the only executive officers contemplated by the Act, but as the town grew in importance a considerable clerical staff has gradually accumulated. As a check upon the absolutism of the Council, the burgesses had the electing of the assessors or valuators and the auditors.

The franchise for the burgesses extended to every male person of full age who occupied premises of a clear annual value of £25, or had been for twelve months a resident householder in the town or within seven miles thereof, subject to his securing his enrolment on the electoral lists, which were compiled annually. The qualification for councillor or alderman was the possession of real or personal estate, *either in their own right or that of their wives*, to the value of £1,000, or to be rated on an annual value of £50. The disqualifications included ministers of religion, any one holding an office in the gift of the Council or interested in any contracts therewith, any judge or officer of any Court of Justice or ministerial law officer of the Crown. A subsequent Amending Act added any "attaint of treason or conviction of felony or any other infamous offence".

Many Amending Acts during the next dozen years amplified the powers, extended the area and increased the usefulness of this important body, but the original constitution was sufficiently complex to tax to the utmost the administrative powers of the men called to their novel duties, and it cannot be said that it was an immediate success.

The Act provided for the election of councillors taking place on the 1st of November, and that of the aldermen and mayor on the 9th *idem*. To enable the Act to be made operative the Superintendent

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appointed Captain Lonsdale an interim mayor, and a number of Government officers as acting aldermen and assessors, by whom the electoral roll was prepared, and the first election of councillors came off on the 1st of December, 1842, and that of the aldermen and mayor on the 9th of the same month. There was no very great excitement. In one ward there was no contest, but altogether there were seventeen candidates for the twelve seats. The highest of the successful candidates received only 136 votes, and the lowest 64. The election of the mayor, on the 9th of December, was conducted "with closed doors," as directed by the Act, and resulted in the return of Mr. Henry Condell, a brewer by trade. On the 13th of December the whole Corporation, preceded by the town band and supported by a large contingent of the Masonic craft in full regalia, marched in procession through the streets to the temporary Supreme Court, where Judge Willis presided over the administration of the oath of office, and delivered a learned and impressive oration on their duties. The Mayor, not having had time to provide himself with the recognised official robe, had borrowed for the occasion a mysterious Masonic garment of crimson silk, which struck the crowd dumb with amazement. The papers of the period, with cynical banter, commented upon the risk incurred by the drivers of the numerous bullock teams, which then frequented Collins Street, as this unwonted spectacle burst upon their startled cattle!

After receiving the blessing of Judge Willis, the Corporation passed on to wait upon the Superintendent, who congratulated the Mayor on his high office, and finally promised that the Government would provide £2,000 to start operations with, on condition that at least an equal sum was raised from the burgesses.

The first two years of the existence of the Corporation, during both of which Condell was mayor, was a period of almost continuous turmoil and bickering. It started life just at the time when the financial troubles, already referred to, were beginning to be acute. The first rate struck, 1s. in the £ on an annual valuation of £60,000, failed by a long way to produce the relative return. Unfortunately, two out of the three local papers—the *Herald* and the *Gazette*—indulged in scathing denunciations of the Council for

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its contentious wranglings and for the nepotism which they declared had been exhibited in the appointment of its paid officials. These papers even went so far as to recommend the burgesses not to pay the rates, as owing to the Council's poverty and incompetence they were getting no return for their money. But the Mayor would not see the law flouted, and warrants of distraint against defaulters were so common that at one memorable sitting it is on record that nearly 400 were ordered to be issued.

The action of the Council in the direction of improvements was paralysed. They could do no good without a large expenditure, and though they had under their Act a restricted power to borrow, lenders were scarce, and the bankers would not commit themselves to the recuperative powers of an unknown future. The residents were smarting under the drastic process by which their goods and chattels were passing under the hammer of the city auctioneer, and when, in spite of this harshness, the finances of the Council showed a deficiency at the end of the first year, the clamour was angry and defiant. At the election in November, 1843, some of the more violent members were got rid of, amongst them J. P. Fawkner, and men of better standing took their place, including Dr. Greeves, Mr. J. R. Murphy, Mr. Edmund Westby and Mr. Henry Moor.

At the first meeting of the new Council an attempt was made to meet the situation. The mayoral allowance and the salaries of all the officials were reduced by one-third, and the town rate was lowered from 1s. to 9d. in the £. But even that could not be got in, and the same wail of distress went up. An application was made to the Government for an advance of £10,000 for much-needed street making, but it was refused. Finally, in desperation, a proposal was submitted to the Council by Mr. Moor that it should decree its own abolition; but a majority was decidedly against him, and the machinery lumbered on. In November, 1844, Mr. Henry Moor was elected mayor. He was a distinct improvement on Condell, being a solicitor in good practice, with plenty of money, plausible, popular and ready in business. He vigorously pursued the retrenchment policy, refused to take any allowance for himself, and cut down the official salaries almost to vanishing-point. But, most startling proceeding of all, the Council decided to suspend the

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levying of a rate, and, until such time as an amendment of their Act should give them a larger area to tax, they would rely for their expenses on the market dues, tolls and fines. So for a time the people went free of the obnoxious impost, while of course all works in the direction of improvements were stopped.

Happily by this time the turn in the tide of the colony's affairs had already commenced. Confidence was being gradually restored, trade revived, the wool clip was increasing; the tallow trade, newly born, showed marked promise, and a distinct revival of immigration began to manifest itself. A second Amending Act was got through the Legislative Council on 19th December, 1844, and in February following the Corporation resumed its powers by levying a rate at the modest figure of 6d. in the £, which was well paid.

From this time forward the record of the Town Council is one of fair progress and growing usefulness. Sectarian animosities and journalistic bickerings were unpleasantly in evidence during election times, but, on the whole, the mayors who succeeded Mr. Henry Moor had sufficient tact to secure the amenities of debate within the Council Chamber, which for many years was in the building known as the Mechanics' Institute in Collins Street, now the Melbourne Athenæum. Considerable feeling was manifested in the many debates as to the site for a Town Hall, the propositions including the land at present occupied by the General Post Office, the Law Courts and the Houses of Parliament. The matter was set at rest, however, in June, 1849, by the Government granting to the Corporation the valuable half-acre at the corner of Collins and Swanston Streets, on which the imposing home of the City Fathers has been erected, practically the centre of the Metropolis.

On the 23rd of January, 1848, there arrived in the ship *Stag*, from London direct, the Right Rev. Charles Perry, D.D., who had been recently consecrated in Westminster Abbey as Bishop of Melbourne. This was in pursuance of a decision of the British Cabinet cancelling the existing Bishopric of Australia, and creating in its place four new Sees, named after Sydney, Tasmania, Adelaide and Melbourne. Bishop Perry was a graduate of Cambridge, where he held high honours and a Fellowship, and so great a reputation for both learning and piety had preceded him that he was enthu-

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siastically welcomed. Mr. Latrobe and the Mayor headed a large number of friends who went down to the bay to offer him welcome, and when he landed at the Yarra wharf he was received with vigorous acclamation. No doubt some of the enthusiasm so readily displayed for an unknown man was due to the feeling that the appointment of a bishop was some recognition by the Crown of the growing importance of the town, now to become a city, which was appealing to Her Majesty for permission to shake off the incubus of Sydney control. This was the first act since the advent of Latrobe indicating that Her Majesty's advisers had the interests of the settlement in mind, its spiritual welfare at least, and if that were assured it would be the fitter to secure its political salvation.

The population of the district at the date of Bishop Perry's arrival was about 43,000, of whom fully one-third resided in and around Melbourne, about 5,000 in and around Geelong, and the remainder scattered thinly over the interior. The only centres of population outside those named were Portland, laid out in 1839, Port Fairy and Port Albert, holding less than one thousand inhabitants amongst them. The spiritual requirements of the Anglican community were attended to by only three ordained ministers, and the arrival of the Bishop, with Dean Macartney and three other clerical assistants, gave a decided impetus to Church affairs.

The Bishop belonged to the low or evangelical division of his Church, and his influence was very strongly marked on its development. His rule was strict, his piety was undoubted, and his zeal for all matters ecclesiastical undeniable. But he was not in touch with modern thought, or interested in the problems which were beginning to disturb the Episcopal dignity in the land he had left. Books like the *Vestiges of Creation* or *Essays and Reviews* were a scandal to him. Colenso was anathema; and he had so little conception of the trend of scientific investigation as to be satisfied that he had demolished Darwin and all his theories in the course of an hour's lecture. His antipathy to the Roman Catholic Church was manifested by a discourteous refusal of the Rev. Father Geoghegan's friendly overtures, and a stern refusal to put him on his visiting list. But he steadily and faithfully worked for his own Church, and when after twenty-six years' service he left the colony,

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in 1874, there were 137 registered clergy, 445 churches or buildings temporarily used as such, and a distinct following of fully a quarter of a million persons, equal at that time to one-third of the estimated population of the colony.

The question involved in the right of the British Government to continue the transportation of felons to Australia aroused many protracted discussions and much angry feeling in the period between 1844 and 1849, though by the end of the latter year New South Wales at least was legally closed against them. The colonists were under the impression that this end had been attained in 1840, when the British Cabinet formally revoked the Order in Council by which New South Wales had been declared a place for the reception of criminals. But these Orders were apparently easily manipulated to suit ministerial views, and what with several changes in the Cabinet, the distraction of an exceptionally exciting time in Europe, and the conflicting memorials pouring in upon them from Australia, the Secretary for the Colonies would seem to have been somewhat fogged. As will be seen later on, the revocation above referred to was in its turn revoked, and the attempt to revert to the original condition was violently resisted and finally defeated.

In 1844 there was a distinct conflict of opinion on the subject of receiving labourers who had the taint of the prison upon them. Even admitting the genuineness of a great deal of violent oratory on the "moral taint" aspect of the question, an impartial examination of the proceedings shows that, at this period at least, it was largely a labour question. For, as a matter of fact, the "exiles" who came out in 1844-45 were really free men. In one of the many tentative efforts of the British Government to devise a beneficent course of action for the occupants of the overcrowded gaols, the principle was adopted which defined transportation to mean a limited period of separate confinement in local prisons, followed by a course of labour on public works, and then banishment for the remaining term of the original sentence. The principle is defined and defended at great length by Earl Grey in his review of the Colonial Policy of Lord John Russell's Cabinet, in which he served as Secretary for the Colonies. In some of his despatches to the

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Governor of New South Wales, he is emphatic and explicit on the mutual advantages to the labourer and to those who want his services; nor does he overlook the philanthropic aspect of the question.

"The best and only hope of restoring convicts to society," he says, "as virtuous, industrious and useful members of it, consists in their being removed as exiles and freemen, after having undergone a penal imprisonment and servitude in the United Kingdom."

The arrival of the *Royal George* in November, 1844, with the first batch of these free exiles, created considerable disturbance, and made it very plain that the interests of the pastoralists, as the chief employers of labour, were entirely at variance with the mass of the dwellers in the town. As usual, the working man found a section of the local press ready to champion his personal view of the matter, and to denounce the Government so violently as to inflame the labour market to the verge of revolt at the prophesied reduction of wages. Meetings were held at which much vigorous oratory was expended, both for and against. The conservative element, representing the employers, carried resolutions that, as a means of checking the introduction of expiree convicts from Van Diemen's Land, it would be beneficial to Port Phillip to receive the exiles. The labour meetings carried resolutions condemning the Government in good round terms for the injury which it was inflicting on the class whose chief interest centred in the rate of wages. However, no definite action followed, and the agitation flickered out in a few weeks, to be revived some years later. The testimony borne to the character of the bulk of the exiles by some of the pioneer colonists who returned in the *Royal George* from a visit to England, together with the fact that they were all engaged within three days at a high rate of wages, without by any means filling the demand, had a quieting effect, and even the local papers allowed the matter to drop.

The cessation of immigration, which had followed on the collapse of the land sales, had greatly intensified the demand for labour. The exiles were speedily assimilated, and the cry went up for more. For the only alternative source of supply was a very

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tainted one. In a report by Mr. Latrobe to Sir Charles Fitzroy in 1846, he gives a return of 2,000 expirees from Van Diemen's Land introduced into the district by the pastoral tenants of the Crown, and he intimates that the number would have been largely increased had further funds been available. For some time past the British Government had been regretfully aware that the small colony of Van Diemen's Land was being hopelessly over-weighted by the transmission to its shores of over 3,000 convicts per annum. This labour demand, forced upon their notice by many despatches and petitions, seemed to promise a fresh outlet. It was decided to seek an expression of opinion from the colonists as to their willingness to recruit their labour supply in this hitherto objectionable form. Mr. Gladstone, who was Secretary for the Colonies in 1846, addressed the inquiry to the Governor of New South Wales as to whether a limited number of convicts might not be sent there with advantage to both parties. The despatch was referred to a Committee of the Legislative Council, with Wentworth as chairman, and they unanimously reported that under certain conditions such a step would be equally beneficial to the colony and to the mother-country. Indeed, they went very far, for they affirmed that "all the hulks, prisons and penitentiaries of England might be at once emptied of their inmates, and those inmates be readily employed in the boundless fields of profitable occupation at present shut up from colonial enterprise, and destined to remain so, until a sufficient supply of labour from some source or other shall arrive among us to open them out".

The conditions stipulated for were :—

1. That male convicts should be accompanied, as a simultaneous measure, with an equal number of females, to consist of female convicts as far as they would go, and the balance to be made up of female emigrants.

2. That simultaneously such transportation be accompanied with an equal importation of free immigrants, as nearly as possible in equal proportion as to sexes.

3. That the wives and families of all convicts receiving indulgences should be brought out and count as part of this free immigration.

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4. That not fewer than 5,000 male convicts be annually deported to New South Wales.

Such a report, apparently expressing the calm convictions of a deliberative body that considered it quite unnecessary to submit the question to the colonists in general, may be held to have justified the subsequent action of the Secretary of State. But the people of New South Wales, so far from endorsing the decision of the Committee, were furious at what they designated a gross breach of faith on the part of the British Cabinet, and a traitorous misrepresentation of their interests by the Legislative Council.

This latter body had been prorogued on the very day the report was brought up, without having been afforded an opportunity of considering it; hence its transmission to England by the Governor was certainly precipitate. But as soon as the Council reassembled they repudiated and rejected the report, some of those who had signed it not even venturing to speak in its defence. Meanwhile the disowned report was making its impression on Earl Grey, and if he had any doubts about it representing public opinion, they must have been removed by the receipt of a petition direct from Sydney urging the immediate revival of transportation, and bearing upwards of 500 signatures. As the document did not come through the recognised official source, Earl Grey sent a copy of it to the Governor, and the disclosure of the signatures in Sydney created a stir. The Governor, who had now transmitted so many reports, memorials and resolutions of the Legislature, both pro and con., was apparently quite unable to advise the Secretary of State, for in reply to an inquiry addressed to him at this time he wrote that he was "entirely unprepared as yet to say on which side the opinions of the generality of the more respectable and influential portion of the community will preponderate".

The long delays involved between question and answer, the want of definiteness in some of the replies from the Colonies, and the wavering opinions of the Legislative Council, prolonged misunderstanding and irritated the majority who were opposed to receiving criminals on any terms. And so, while the tempest of talk raged in the colony, the British Government put the matter to a practical test by sending out two ship-loads of men who had

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not completed their sentences, and could only be landed in Australia under the limitations of a ticket-of-leave. Thus they required police supervision from the day of their arrival, and to ensure to the New South Wales authorities the necessary legal control, the British Cabinet revoked the Order in Council by which, in 1840, New South Wales had ceased to be a place for the reception of convicts.

This official restoration of New South Wales to the status of a convict colony greatly intensified the agitation, but it received its final condemnation from all classes when it was learned from a despatch that the experimental shipment of prisoners was sent forward without making any provision for the despatch of the equal number of free immigrants stipulated for. The excuse offered was that the British Parliament was just at the end of its session, and the finances of the country did not justify Ministers in asking for a vote for free immigration. The repeated appeals of the colonists for labour at any cost had induced the Government to take this step; but if they had mistaken the wishes of the people, they would not send any more convicts. Further, they would apply to Parliament next year for a vote to enable them to send the relative number of free immigrants represented by these shipments.

Of the two ships which had been chartered, the *Hashemy* was ordered to Sydney and the *Randolph* to Port Phillip. News of the projected sailing of these vessels reached Melbourne through the agency of Mr. Jackson, the official representative in London of the colony of Van Diemen's Land. A public meeting was at once called to protest against the breach of faith with the settlers, most of whom, they held, had emigrated on the distinct assurance that Port Phillip should never be a convict settlement.

It happened, fortunately, that the Governor, Sir Charles Fitzroy, was then (March, 1849) in Melbourne on a visit, and a deputation waited upon him to declare that in the present temper of the people a serious riot would inevitably result from any attempt to land the prisoners. As their representations were backed up by resolutions of the City Council, and by the whole Magistracy of the district, the Governor gave his promise that until the views of the settlers had been made known to the Home Government, no convicts should be allowed to land. Before he left he authorised Mr. Latrobe to

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order the *Randolph* on her arrival to proceed to Sydney, for which the residents of that city loudly denounced him. Within a day or two of his decision becoming known, the Governor received a petition from some sixty pastoralists in the western district urging that instead of sending the ship on to Sydney he should direct her to Portland, where, they declared, the passengers would be cordially welcomed and promptly engaged. Sir Charles declined for one moment to entertain the proposal, but the cross-firing to which he was exposed in the action of town and country made his position by no means easy, and explains his apparent wavering in his correspondence with the Secretary for the Colonies.

Five months later, on the 8th of August, 1849, the *Randolph* dropped anchor in Hobson's Bay. Instructions had been sent to the Pilot Station at Queenscliffe, that the vessel was not to come up to the Port, but to proceed direct to Sydney. The captain peremptorily declined to comply. He said he was chartered for Port Phillip and in Hobson's Bay he meant to anchor, which would complete his obligations under the contract. Whatever else might be required of him must be under fresh negotiations, and up he came. The next morning the *Argus* put forth a heading in aggressive type: "Colonists of Port Phillip! The hour has come and the men!" It declared that it did not doubt the pledged faith of the Government, and had every confidence in the noble conduct of the Superintendent, "but the convicts are in the bay, and it behoves us to see that they obtain no footing here".

Although the daily papers took up this attitude, the public did not evince any excitement, for no attempt at a landing was made, and after two days' conference with the Government the captain agreed for an additional £500 to do what was wanted. On the 11th of August he was again at the Heads on his way to Sydney.

The Superintendent was officially thanked by the Corporation for his firmness, although but a few months previously they had formally petitioned the Crown for his recall. On the 20th of August a large meeting was held in the Queen's Theatre, the Mayor presiding, to protest against the right claimed by the British Cabinet to send convicts to the Colonies, contrary to the declared wishes of the inhabitants. The speeches generally were vigorous

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in their denunciation of Lord John Russell's Government, and defiantly insisted on the intention of the settlers of Port Phillip to keep that district at least free from the stigma attaching to a penal colony. They said that, although joined for a short time to New South Wales, they had never been in any sense a penal colony, and that the Secretary of State had on the first settlement of the district issued express instructions against the introduction of convicts. Therefore they stood for their rights, and would not submit to have felons thrust upon them. There was both enthusiasm and absolute unanimity, and the result was the adoption of a petition to the Crown embodying six drastic resolutions which had been carried. As the Legislative Council in Sydney passed resolutions of a similar tenor about the same time, which were transmitted to England, the Secretary of State realised at last on which side the voice of the majority lay, and in a despatch to the Governor, dated 10th November, 1849, he stated that as the Government found that convicts would be willingly received at Moreton Bay, it had been decided to direct that all sent to New South Wales should be landed there.

So far as Port Phillip was concerned, the question might be said to have been settled at this point. But elated with their success, some prominent citizens of Melbourne, including such men as Wm. Stawell, afterwards Chief Justice, Wm. Nicholson, afterwards Premier, and Wm. Westgarth, extended their sympathy to the other Colonies, notably to Van Diemen's Land, and about a year afterwards assisted in the inauguration of the Australian League. This was composed of delegates from all the centres of Australian settlement, and it aimed at the absolute suppression of transportation to those regions under any pretext.

It was munificently supported by the leading merchants and professional men, and with the aid of the press, by petitions of public meetings, by subsidised agents in London and by the stimulation of an intelligent interest in the Colonies in England, it did much solid and useful work. And happily the times worked with it. The rush of population which followed the discovery of gold promised an ample provision of labour, and for a time seemed to turn the punishment of transportation to such an El Dorado into something very like a reward.

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The fall of Earl Grey with the Russell Cabinet helped the cause, for the Palmerston Ministry desired to placate the Colonies on which the eyes of the whole world were just now turning.

To the last there was considerable opposition in Van Diemen's Land, where a section of the residents persisted in proclaiming that the colony would have little to live upon if the Government expenditure on the convict establishments was withdrawn. But better counsels finally prevailed, and before the end of 1852 the last convict ship had sailed from England for the Derwent.

Western Australia continued to receive convicts for more than a dozen years afterwards. The waterless desert of a thousand miles that separated it from the other Colonies, and the infrequency of communication by sea, seemed to offer an immunity from infection. But when in the progress of time Albany became a place of call for the mail steamers, the agitation was vigorously revived, and was so strongly expressed in Melbourne that the Premier of the day, Sir James M'Culloch, made an effort to get all the eastern Colonies to join him in refusing to hold any intercourse with the tainted West. The proposal was blocked by New South Wales, but the feeling evinced led to action by the British Government, and in 1867 transportation to any part of Australia absolutely ceased.

The contemporary press and public opinion, nay, even the deliberate historian, have been singularly unanimous in condemning the action of the British Government in the matter of transportation. A resolution at one of the public meetings implored the Queen to dismiss Earl Grey from her Council on account of the "arbitrary and faithless manner in which he had treated the colony". And yet no one can carefully peruse that nobleman's defence of the policy of the Cabinet in which he served without admitting that the question was by no means so one-sided as it has been represented. The authorities certainly misunderstood the signs of the times and the desire of the masses; but they were confused and misled by the contradictory utterances which reached them intermittently, and by the exaggerated declarations of interested parties that, unless labour of some sort was forthcoming, the fair prospect of a colonial dominion would vanish, and the country revert to a solitary wilderness.

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CHAPTER XII.

THE CONSTITUTION STATUTE OF 1842 AND THE STRUGGLE FOR SEPARATION.

The struggle for separation from the penal colony of New South Wales, which raged during the greater part of Mr. Latrobe's administration, was a very different affair from the long drawn out and often somewhat apathetic movement which half a century later resulted in the reunion of all the Colonies into a federated dominion. It was marked by much passionate earnestness, much, and often very able, personal exertion, and was stimulated by a continually growing sense of the injustice which the settlers had reason to suppose they endured at the hands of the Sydney authorities.

The transition from the magisterial and semi-military form of control by which New South Wales had been ruled since the advent of Captain Phillip to the tentative stage of a restricted representative constitution, which received the Royal assent on the 30th of July, 1842, marks an era of the first importance in the growing status of the colony. This statute gave to the colonists, for the first time, the right to expend the whole revenue they could collect, apart from the land fund, in such manner as seemed to them best, subject only to a special reservation for the Civil Service, and a sum of £30,000 a year for the maintenance of religious worship. It granted full power of legislation within the colony in any manner not repugnant to the laws of England, of which condition the Judges of the Supreme Court were to be the arbiters. It took from the Governor the right of initiation and veto, and limited his disapproval to the reservation of any ordinance for the Royal assent.

The Legislative Council established by this Act was composed

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of thirty-six members, of whom eighteen for the older settlement and six for the Port Phillip district were to be elected by freeholders of £200, or householders occupying premises worth £20 a year. The remaining twelve were to be appointed by the Crown, and not more than half of them were to be Government officials. It will be seen that, though a long way short of responsible government, it was an immense advance on the condition of tutelage hitherto prevailing, and by a majority of two to one secured an independent representation of the wishes of the people.

Some of the clauses in the Act aimed at the establishment of District Councils in the rural portions of the colony on a somewhat extended municipal form. No attempt was made to introduce them into Port Phillip, and they were so hampered by provisions connected with the maintenance of the police force and by arbitrary conditions of personal responsibility for unpaid district rates, that they were universally condemned, and soon became an acknowledged failure. Municipal institutions grew rapidly enough spontaneously when the conditions of population justified them, and local government has certainly achieved some of its highest successes in Australia. But the attempt to force this on the people under Government direction showed considerable ignorance in Downing Street of the conditions prevailing in the Colonies.

The residents of Port Phillip, notwithstanding that they were then plunged in the deepest gloom by the financial panic in its most intense phase, were full of eager anticipation of the benefit to arise from their representation in the Sydney Council. But they soon found that there were serious difficulties in securing the services of men who would do battle for them at the cost of neglecting their own affairs.

The new Constitution provided for one member for Melbourne and five for the rest of the district. For the latter only two local men could be secured—Charles Hotson Ebden, a pioneer squatter, formerly of Sydney, who had come to Melbourne overland in 1836, and afterwards formed a station on the Campaspe, was at the head of the poll with 228 votes; Dr. Alexander Thomson, of Geelong, the "Catechist" of the Port Phillip Association, was fourth with 184 supporters. The remaining three were all Sydney residents

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—Thomas Walker, a leading merchant; Doctor (afterwards Sir Charles) Nicholson, and, at the bottom of the poll, the Rev. Dr. Lang, who defeated the only other candidate by nine votes. This was Sir Thomas Mitchell, the explorer and sponsor of "Australia Felix," whose reputation should have secured him a better place but for the fact that he was Surveyor-General of New South Wales, and was regarded unfavourably by those who feared the domination of the official class, already amply provided for in the Crown nominations. There was not much excitement at the poll for the district, which took place on the 20th of June, 1843, but the election for Melbourne, which was held three days previously, aroused very bitter feeling, and resulted in discreditable turmoil.

The candidate generally named as the most eligible for the town was Mr. Edward Curr, a man of independent means, formerly manager of the Van Diemen's Land Agricultural Company, but now resident in Melbourne. It was not thought that he would be opposed, for he had taken an active interest in public affairs, especially in the question of Separation, in which he was destined later on to take quite the leading position. He was a zealous Roman Catholic, but he bitterly resented the sneers with which the truculent Dr. Lang referred to him as being under priestly influence. He lost no opportunity of retorting by disturbing the harmony of the Rev. Doctor's election meetings, throwing at him quotations from his published speeches and writings, and generally denouncing him as a disgraceful calumniator. The recrimination grew so hot that at length Curr injudiciously published a letter to the electors in which he required them to choose between him and Lang, for if the latter was returned for the district, the writer would decline the honour of a seat in a Council of which he was a member. The wily Scot soon turned the indiscretion to account; his friends gathered around him, and they clamorously condoled with the insulted electors on the impudent dictation of their opponent. Rather than submit to such a threat they determined to find some one to contest the seat, and though the time was very short they persuaded Condell, the mayor, to offer himself, Lang undertaking, according to his own account, to write out all his speeches for him. So successfully did Lang and his friends canvass the town that Condell was returned,

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polling 295 votes to Curr's 261. Had the contest been based on political grounds, and the interest been limited to the 556 people who exercised the franchise, no doubt the result would have been loyally accepted, though it was widely recognised that in point of intelligence and business capacity the victor was infinitely inferior to the vanquished. But the bitterest sectarian rancour had been evolved during the contest, and of the mob of fully 2,000 people that surged round the polling booth all day, the larger proportion belonged to the labouring class, in which Irish Roman Catholics preponderated. They compensated themselves for the want of voting power by violent partisanship, and it required both courage and physical strength for the electors to record their votes in defiance of the threats, jostling and insults to which they were subjected as they struggled through the crowd. As each voter handed in his ticket the poll clerk announced who he voted for, and as he also made progressive announcements of the state of the poll, the excitement towards the close was worked up to a fever heat unknown under election by ballot.

When Curr's defeat was finally assured the mob got quite out of hand, despite an appeal for order from Curr, the efforts of a dozen mounted police, and the formal denunciations of the Riot Act, which the magistrate proceeded to read. They broke up into detachments and proceeded to smash the windows and bombard the houses of the prominent supporters of Condell. A great deal of damage was done, and the riot culminated in the storming of a house in Elizabeth Street, where the proprietor, Thomas Greene, retaliated by firing a pistol out of an upper window and bringing down a bystander, who, of course, claimed to be a non-combatant. The furious mob demolished the shutters and wrecked the contents of the shop, loudly proclaiming their intention of lynching any one found on the premises. At this juncture a detachment of military arrived on the scene, and the officer in command secured an armistice by promising to arrest all the inmates of the house, which he did. They were securely lodged in the gaol, but when brought before the bench on the following Monday morning were all discharged for want of evidence.

This regrettable installation of the wars of "Orange and Green,"

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so inexcusable in a country where civil and religious liberty were the right of all, was unhappily fomented by several irreconcilables, and on many occasions afterwards was carried to serious lengths. Some two or three years later it even brought the disgrace of martial law upon the City of Melbourne, with soldiers bivouacked around camp fires in Elizabeth Street, to the scandal of the more intelligent members of the community.

Condell's temporary elevation did not do him any good. He went to Sydney to attend to his Legislative duties, but he appears to have been a nonentity in the house, and after eight months of his barren honours he tendered his resignation, and returned to Melbourne to look after his brewery. Mr. Curr was no longer ambitious of the position, and Melbourne had to fall back on the good offices of a Sydney merchant, Mr. J. P. Robinson, who was returned unopposed on the nomination of Captain Cole, in March, 1844. Both Ebden and Thomson found it necessary soon after to follow Condell's example, and their places were eventually filled by Adolphus Young and Benjamin Boyd. The former was a lawyer and High Sheriff of New South Wales; the latter was the notorious banker and mammoth land speculator, whose daring ventures were a prime factor in the financial troubles of the time. Thus, it will be seen that the promised boon of local representation in the Councils of State for the Port Phillipians vanished within a year, and their interests had to be confided to a scratch list of volunteers from the enemy's camp.

The first session of the Legislative Council was barren of interest to the colonists on the Yarra. It was largely occupied by financial debates on the relative expenditure of British and Colonial funds on the maintenance of police and convicts, and by purely local discussions concerning the rights and wrongs of emancipists. Further, much time was taken up in Quixotic attempts by Legislation to palliate the alarming commercial and financial panic, just then raging fiercely, and threatening ruin to the banks as well as their constituents. Out of many chimerical proposals, the only one that in practice bore good fruit was a Bill introduced by Wentworth enabling pastoralists to anticipate their income by giving a legal security over the growing clip of wool, and to mortgage live stock.

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This Wool Lien Bill, which was regarded in England with suspicion and disfavour, readily enough passed the Council, and did more to stave off impending ruin amongst the squatters than even Wentworth anticipated. With subsequent amendments it came into such general use as a negotiable security, that probably more money has been advanced under it in Australia than is represented by all the mortgages on real estate.

The second session of the Legislative Council was well commenced when the long-simmering agitation which had been displayed in Port Phillip for an independent existence found voice in the Chamber, and a champion in Dr. Lang. Before dealing with the result of the militant Doctor's action, it may be well to briefly summarise what had led up to and prepared the public mind for it.

According to Mr. Edmund Finn, the voluminous and lively chronicler of the doings of early Melbourne, the first public meeting to advocate separation was held so far back as the 13th of May, 1840, in the schoolroom of the Scots Church, Collins Street, Major Mercer occupying the chair. Though the entire population of the district was barely 10,000, they saw their surroundings with a prophetic eye, and unhesitatingly demanded separation from a colony whose interests they declared were at direct variance with their own. The meeting unanimously adopted a petition to the House of Commons, which they proposed to forward direct in charge of Mr. H. F. Gisborne. That gentleman unfortunately died on the voyage home, and if the document reached the Secretary of State, it was certainly shorn of any personal advocacy. It was exceedingly outspoken, and alleged that the funds derived from the sale of lands in the district during the previous three years were very largely in excess of the amount realised in Sydney from a similar source, and had they been applied to their legitimate purpose were sufficient to have brought out 7,000 couples. But instead of doing so, the money had " been employed in supplying deficiencies in the revenue of the Sydney Government ". Therefore, they appealed for :—

1st. A responsible Government entirely separate from, and independent of, New South Wales.

2nd. A free and extended Legislative Representation corre-

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sponding with the extent and population of the district, and equal to the exigencies of a Free State.

This appears to have been the initial movement of a combined character, and though Mr. G. W. Rusden is severe upon what he calls the "procacity" of the new community, no one can deny them the quality of plain speaking, and an evident knowledge of exactly what they wanted.

The meeting was noticeable from the fact that most of the leading residents in Melbourne outside officialdom took part in it, and amongst the speakers were C. H. Ebden, Redmond Barry, Dr. Greeves, and several others who were destined to take a prominent share in political life. Lest the public interest should wane after the petition was despatched, it was resolved to form a "Separation Association," and a month later a meeting was held to give it form and substance. A sub-Committee, consisting of Messrs. J. B. Were, Andrew M. M'Crae and Redmond Barry, had been appointed to get signatures to the petition and subscriptions in aid of the movement, and their success had been so far satisfactory that at the later meeting it was decided to appoint a professional agent in London, and a Committee there of gentlemen with direct interests in the district to promote the views of the Association both in Parliament and with the public. The London Committee was selected with great care, and to it were added the names of five colonists who were about to visit England. Mr. John Richardson of Westminster, who was appointed Parliamentary Agent, did good service. In addition, a local Committee was elected, with Mr. Wm. Kerr, in later years Town Clerk of Melbourne, as the paid secretary.

Lord John Russell's famous despatch of 31st May, 1840, had of course not yet arrived, so the petitioners could not have been inspired by the indications which that document gave of an intended division of the territory of New South Wales. But the feeling of antipathy to the parent colony, intensified by a sense of injustice in handling the joint revenue, was largely owing to the fact that, though the district was by proclamation included with New South Wales, it owed practically nothing to the enterprise of its colonists in founding the settlement. It was almost entirely a venture of residents in Van Diemen's Land, and when the agitation

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began the population was made up of about one-fourth from that island and some 6,000 immigrants from Europe. Thus there were probably barely 1,000 hailing from what was then called "the Sydney Side," and even of those many were for independence.

Further enthusiastic meetings were held on 30th December, 1840, and 1st March, 1841, and every effort was made to overcome the influence which it was alleged the Sydney people had acquired over the British Government. At the first of these two meetings a petition was adopted, direct to the Queen, which carried over 2,000 signatures, and while repeating the prayer for a separate Government, was also explicit as to the boundaries of the new colony extending to the Murrumbidgee, in terms of the original description in the despatch above referred to. At the later meeting a special lengthy memorandum was drawn up for the information of Members of Parliament, which made out a very strong case for separation, and exhaustively traversed the arguments of the Sydney petitioners. A deputation, consisting of Messrs. Yaldwyn, Mercer and Gardiner, who were proceeding to England on other business, was duly empowered, in conjunction with Mr. Richardson, the League's London agent, to enforce the lesson upon the House of Commons, and see that they had not the excuse of ignorance if they voted wrongly. Unfortunately, this carefully prepared document and the accompanying petitions arrived in England just at the time when the Ministry in which Lord John Russell looked after the Colonies was tottering to its fall. Only a few months before he had given some indication, in the despatch already referred to, that the temporary division for land sale purposes of the country south of the Murrumbidgee was a precursor of separation; yet, by the time the strongly expressed will of the people reached him, he was powerless to act. Five years later, when he came back to power, he found the question still unsettled, but so far advanced as only to involve the adjustment of disputed details.

Lord Stanley, who under Sir Robert Peel succeeded to Lord John Russell's office, held quite different views, and vigorously opposed what he called dismemberment. He promptly came to the conclusion that all the grievances of the Port Phillip settlers would be redressed by giving them a voice in the affairs of State,

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which had hitherto been transacted for them in Sydney. Therefore, without troubling to discuss the matter with the other end of the world, he carried through the British Parliament without any opposition, almost without comment, the Constitution Statute already described. Pending this provision for realising the aspirations of the settlers, the Separation League, under the able guidance of Mr. Ed. Curr, engineered numerous meetings, and gave form to many petitions both to the House of Commons and to the Sydney Council, one to the latter body bearing 2,194 signatures. But the British Parliament was favoured with one from the inhabitants of Port Phillip generally, another from the Mayor, Aldermen and Councillors of the town of Melbourne; another from the Warden and Council of the District of Bourke; and yet another from a similar body for the County of Grant, whose headquarters were Geelong. These petitions were all different, but each contained a strong statement of the case from their respective points of view, and amongst them every aspect, legal, financial, and even sentimental found expression.

The year 1843, with its election heartburnings and disappointed expectations, had passed away, and the time had now come when the public agitation and the public petitioning was to find expression in the Legislative arena, where Lord Stanley fondly hoped that they would also find their solution. Pursuant to notice, Dr. Lang moved on 20th August, 1844, that "A humble address be presented to Her Majesty the Queen, praying that Her Majesty will be graciously pleased to direct that the requisite steps may be taken for the speedy and entire separation of Port Phillip from the territory of New South Wales, and for its erection into a separate and independent colony".

His speech in support was a masterly piece of declamation, lasting over two hours. It reviewed at length the whole history of Port Phillip, and dwelt with pardonable pride on the unprecedented fact that this splendid dependency, with 25,000 prosperous colonists, and a revenue showing a surplus of from £17,000 to £20,000 a year, had not only never cost the mother-country a single farthing, but had actually relieved that country, without any expense to it, of a large amount of its semi-pauper population.

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Yet, this deserving community had not one really resident representative in the Councils of the State, but was compelled to be content with the proffered mediation of Sydney citizens to look after its interests. The learned Doctor anticipated everything that could possibly be said on the other side, and was never at a loss for example or comparison. He reviewed the area, the Governments, the expenditure, and the productiveness of all the West India Islands; exhausted comparisons with each and all of Great Britain's colonial possessions, and inflicted a mass of statistics upon the awed Chamber which were sadly inoperative on the foregone conclusions of the Senators. His excursions into history ranged from the Peloponnesian War, down through the troubles of Charles I. with his Virginia Patents and the maladministration of George III., out into the visionary future of Australian independence. The speech was illuminated with quotations from old Scotch songs, from the Classics, from Sterne's *Sentimental Journey* and other sources of enlivenment. But the dogmatic tone of the pulpit was there, the confident assumption of wicked wrong in his opponents, and the harsh terms of reprobation, of which he was a master. His figures, his arguments and his illustrations, unless they could be proved inaccurate, left him unanswerable. But he unnecessarily irritated the Council by accusing them of "downright public robbery," and of a "semi-felonious abstraction of the Port Phillip revenues for the maintenance of an unnecessarily extravagant system of Government, adverse to their interests". Upon one point only did he differ from his constituents. He had no sympathy with the pretended anxiety to cut the connection with what was formerly recognised as a convict colony. On this ground he stood up manfully for his fellow-citizens, and denounced as absurd what he called the moral contamination fad, justly remarking that the danger from contamination, if it existed, would be exactly the same after as before separation. But against the argument that the Port Phillip people were neither sufficiently numerous nor sufficiently intelligent to be entrusted with self-government he was witheringly sarcastic, and denounced his hearers for presuming to think that they, without the necessary local knowledge, could manage affairs for them better in Sydney.

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It might fairly be assumed that when the Doctor sat down he left little to be said, but Mr. Robinson, in seconding the motion, gathered up a few fragments that the mover had missed, and Dr. Nicholson, Mr. Young and Mr. Walker all spoke forcibly in favour. These were the five representatives of Port Phillip, one seat being vacant, for Dr. Thomson's successor, Benjamin Boyd, had not yet been elected. Only one man unconnected with the southern settlement was won over, Mr. Robert Lowe (afterwards Viscount Sherbrooke), who was one of the unofficial nominee members appointed by Governor Gipps. He did not speak at very great length, and on the general question he rather favoured consolidation than disintegration. But he was scornfully angry at the way the Port Phillip people had been cajoled, at the pretence of representation by which it had been sought to quiet them. "Every member," he said, "of that house was a representative of the whole community, as the Colonial Secretary had told them, and yet which of them knew or cared anything about Port Phillip? Which of them had made themselves acquainted with the case for separation? Which of them had ever read the petition which they were that day to consider? They came there to support a foregone conclusion. Member after Member had risen to advocate the claims of Port Phillip, but could extract no reply, except the official reply of the Colonial Secretary. He could not help feeling that there was a want of reality about that night's discussion, which showed that the Council were listening to that in which they took no interest; all the speaking might be on one side, but all the voting would be on the other."

The speech of the Colonial Secretary lacked warmth and conviction. It was chiefly made up of extracts from the Governor's despatches to Lord Stanley, and contained no points that Dr. Lang had not dealt with. But it was noticeable that the two speeches made in opposition both freely admitted that the day was probably not far distant when separation might reasonably be acceded to, but the time was not yet ripe.

The forecast of Mr. Lowe proved correct, the five representatives of Port Phillip were only reinforced by himself, and the rest of the Chamber voted solidly against the resolution.

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So decisive a rebuff would have discouraged most men, but it only made Dr. Lang more determined to fight on. Since his arrival in Sydney in 1823 he had been rarely free from controversy with his fellow-citizens, with the Government, with the Press, with the Judicature, even with the Presbytery, and he had called forth a whole army of opponents, some of whom hated and some feared him. But Lang was one of those exceptional men who never know when they are beaten, or, at any rate, never acknowledge defeat. When he was committed for libel, he whiled away the time with excursions into the regions of literature and philosophy while his congregation were collecting the amount of the fine which represented the price of his redemption. When his Church Courts deposed him he refused to go; and as there is no police machinery for stripping recalcitrant priests of their right to preach if men will hear them, he kept possession of the church property by simply ejecting synodical intruders. And in this he fought a winning fight, though it lasted over many years, for he succeeded in getting his deposition annulled, and held on to his benefice as long as he lived. Although doubts have been cast upon the veracity of many of Lang's historical statements, it is probable that in most cases they were coloured or distorted by the importance of his own connection with them, which indeed he was apt to regard as their chief claim to consideration. It would be difficult to find in the entire range of English literature a tone of more unabashed egotism than runs through all his voluminous writings.

He was certainly not an immoral man, but, though a clergyman, it may be said with equal certainty that he was not a religious man, in the sense in which that qualification is generally understood. Twenty years of preaching of a specially harsh form of Calvinism had necessarily strengthened him in a low opinion of human nature, and the inclination to fancy the generation which he preached at more stiff-necked than another is not an uncommon pulpit foible. How came it that this dogmatic pedant, with his imperious ways and caustic tongue, should have renounced his Government stipend to qualify himself for the Legislature, and have made his dash into politics to champion the oppressed settlers of Port Phillip? Partly it was due to fortuitous circumstances, partly to

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the delight with which he plunged into opposition to the constituted authorities. As far back as 1841 he was in Melbourne, having just returned from England. He was asked to speak at one of the Separation meetings then occasionally cropping up, and responded so heartily, with such apparent knowledge, such glorification of the State Governments in America, and such withering denunciation of their Sydney oppressors that he carried all before him. When next year the suggested new Constitution began to exercise the minds of the Separation League, they unanimously resolved that they had in Lang at least one man who could stand up for their interests.

To that body then he addressed himself after his defeat in the Council, advising them to urge their six representatives to join in a direct petition to the Queen, which would show Her Majesty that whatever divisions there might be in the Council, the members for the district were of one mind. This was done, but not at the time with much hope of the result. Had not the Throne and Parliament been bombarded with petitions and memorials, only to elicit a non-committal acknowledgment? The petition was drawn up by Dr. Lang and signed by the six on the 24th December, 1844, Benjamin Boyd having been elected in the place of Dr. Thomson, of Geelong.

It was handed by them personally to Sir George Gipps, who on the 12th of January following passed it on to the Secretary of State without comment. Lord Stanley, with three years' experience of colonial pertinacity, and perhaps less confidence in his own nostrums, was inclined to admit that grievances existed. On the 12th of June he addressed a despatch to the Governor, in which he intimated that Her Majesty was favourably inclined to the prayer of the petition; but as it involved very important issues, he directed that the Executive in Sydney should confer personally with the members signing that document and such other witnesses as they might deem expedient, and then communicate their recommendations to him. If these were favourable to the petitioners, they were to indicate their opinion of the proposed boundaries of the new colony and the form of government which they would consider suitable. The despatch did not reach Sydney until late in the year, and some four months were occupied in pursuing the inquiries.

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Amongst those to whom the Executive referred was the Superintendent of Port Phillip, and Mr. Latrobe, after carefully reviewing all the surroundings, pronounced in favour of separation. But on the question of the form of government he said, "That any form of constitution which may be proposed for the future colony, for some years to come at least, which takes the government out of the hands of a Governor, Executive and Nominee Council, and substitutes for the latter a representative body, will be ill-suited to its real state and position, and will render the administration of its government as a distinct colony, upon whomsoever it may devolve, a task of exceedingly great difficulty and responsibility".

When this deliverance, which was printed in the House of Commons papers, came back to the colony, it evoked a storm of obloquy upon the writer and a denunciatory resolution by the Melbourne Town Council. That body had previously moved for the recall of the Superintendent on the ground that he had abetted the Sydney Government in withholding the share of the revenue to which they considered Melbourne was entitled for public works and street improvements, and it is not improbable that the remembrance of their violently antagonistic action on that occasion had inspired the reprehended paragraph. However, on the 1st of April, 1846, the Executive Council, having taken all the evidence they required, recorded their verdict. The Colonial Secretary and the Commander of the Forces voted for separation, the Bishop of Australia and the Colonial Treasurer against it. The Governor cast his vote with the ayes, and the first official step was completed. In accordance with Latrobe's suggestion, the form of Legislature recommended was a Nominee Council.

When the decision became known in Port Phillip there was much gratulation, and peace reigned for a time. But unexpected delays in giving effect to the recommendation soon began to irritate the public mind, and to lead to the belief that a cold indifference to colonial wants pervaded the British Parliament.

The troubles over the Corn Laws, which drove Sir Robert Peel out of office and stirred all England with political disquiet, were to the colonials quite a subsidiary matter, and they took no heed of the fact that the despatch of Sir George Gipps reached the Secretary

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of State at a time when no one in Parliament could have been got to listen to grievances at the other end of the world. Thus 1847 passed away with the cold comfort that Earl Grey, who had succeeded Stanley, promised to bring the proposals before Parliament next year, with every expectation of its consent to the creation of a new colony. But 1848 was even a worse year for constructive legislation than its predecessor. The expulsion of Louis Philippe from the throne of France was the signal for sporadic outbreaks of revolution over half the Continent of Europe. The inflammatory material charged the very air, and was wafted across the silver streak. Ireland, decimated by famine, made reckless by poverty and semi-starvation, raised the banner of revolt under Smith O'Brien, Meagher and Mitchel, with the cautious Duffy as an approving looker-on. Chartism in England progressed from monster meetings to riotous outbreaks in some districts, and the venerable conqueror of Waterloo had to manœuvre his home brigades for the defence of the Bank of England and other strongholds of capital. While the air was thus vibrating with "alarums and excursions," it was no time to settle down to the thought-compelling business of constitution-making, with its nicely balanced problems. The prestige of the Crown was threatened in its central stronghold, and the outlying dependencies must needs shift for themselves until law and order were vindicated.

Nevertheless, the colonists of Port Phillip waxed impatient, and when, in 1848, the period expired for which the first Legislative Council had been elected, they determined to teach the Home Government a lesson as to the futility of their representation therein. The idea of turning their electoral privilege to ridicule probably emanated from Dr. Greeves or Thomas McCombie—perhaps it was their joint invention, and they were both prominent in carrying it into effect. Dr. Lang, who had been enthusiastically fêted and feasted on a visit to Melbourne early in 1846, had gone to England, where he was a real thorn in the cushion of the Colonial Minister, and he did not return to Australia until separation was practically accomplished.

A Committee of the Separation League had been in communication with the late members for the district, urging them not to

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allow themselves to be nominated for re-election. They had some difficulty in getting unanimity on the subject, but after much negotiation it was agreed locally to refrain from nominating any person for the five vacancies, without whom a House could not be legally formed. When, therefore, on the 20th of July the returning officer, Mr. R. W. Pohlman (afterwards judge), demanded the names of the candidates, he was met by a great outcry of "No election," and had to return his writ endorsed to that effect. As any two persons could nominate a candidate, and any six demand a poll, it indicated considerable unanimity, though there were many who doubted the judiciousness of this extreme step. But the election for Melbourne was yet to come, five days later, and in the interval many citizens, having pondered the matter, were unwilling to continue what was practically a "game of bluff". The party in favour of non-election having failed to secure unanimity, the meeting for nomination on the 25th of July was a very lively one. The Mayor presided, and the first speaker was Dr. Greeves, who strongly urged the meeting to follow the example of the electors for the district, and told them that if they would not do so he would not allow the election to go by default, but would nominate Earl Grey, the Secretary of State for the Colonies, so that the non-election party should have an opportunity of showing their strength. He was supported by Edward Curr and John P. Fawkner, but their appeals were not successful. Mr. A. F. Mollison proposed and Mr. John Duerdin seconded the return of Mr. John F. L. Foster, who had represented the district in the late Council. Thereupon Earl Grey was duly proposed by Thomas McCombie and seconded by J. P. Fawkner, and a show of hands was overwhelmingly in favour of the nobleman. But six Conservative electors, of whom half were lawyers, arose and demanded a poll, which was fixed for the following day. Presumably the non-election party were confident, for the whip was not extensively applied. Only a little over one-third of the electors on the roll took the trouble to record their votes, but the figures were 295 for Earl Grey and 193 for Foster. At the declaration of the poll the Mayor was confronted with formal legal protests against the validity of the election on various grounds. Earl Grey was a member of the House of Peers, and could not

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hold a seat in a Colonial Representative Legislature. He was not qualified according to the Act, he was an absentee without an authorised representative, and so forth. But the Mayor said his business was confined to the election—the protests were matters for the Government to deal with, and he declared Earl Grey duly elected.

Lest the inner meaning of this escapade should not be fully realised by the nobleman so honoured, a meeting was held at the Mechanics' Institute on the 31st of July, whereat formal resolutions were passed approving the action taken, and setting forth the reasons which inspired it. An exhaustive explanatory memorial, prepared by Edward Curr, was adopted by the meeting, and ordered to be transmitted to Earl Grey through the usual official channels.

While the conspirators were thus busy in vindicating themselves at headquarters, the Superintendent was shocked at this combination of satire and burlesque, and it was strongly resented by Sir Charles Fitzroy in Sydney. As the Crown Law Officers pronounced the election valid, it was the Governor's duty to officially advise his chief of the honour conferred upon him; but he added that he had refrained from the usual *Gazette* notice, because he would not allow the Government to be made a party to a proceeding which he considered improper and unbecoming, even if not intended to be insulting. He also took the opportunity to point out to the Minister that the extraordinary tactics of the electors fully supported Mr. Latrobe's previously expressed opinion, that the residents of Port Phillip were hardly ripe for a representative Legislature.

There is no official correspondence to show what opinion Earl Grey held on the subject. He certainly gave no indication of feeling insulted by the unauthorised use of his name, for he joked about it in the House of Lords, and he did not formally intimate that he declined to take his seat until the Act which enabled separation had been duly passed. Melbourne can therefore legitimately claim him as her representative in the Sydney Council from July, 1848, until November, 1850, when Mr. Westgarth was elected in his place.

Matters could not be allowed to rest on this unsatisfactory

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evasion of public duties and responsibilities, and there were serious difficulties to be overcome. The Constitution of 1842 provided that the Council could not legally proceed to business if there was a deficiency of more than two members by non-election. The Governor, therefore, rather than block all legislative business, resolved to issue a fresh writ for the Port Phillip district, although such a course was without precedent and of doubtful legality. Having received some unofficial advice that the settlers in the Western District were at variance with the Melbourne party led by Curr, Greeves and McCombie, Fitzroy directed that Geelong should be the place of nomination, and on the 21st of September that formality was duly gone through.

When the rumour of this contemplated slight to the Metropolis gained credence, the citizens were once more on the war-path. A meeting held on the 13th of September, in the interests of non-election, deputed three of their number—John Pascoe Fawkner, Captain Cole and J. Stewart Johnstone—to proceed to Geelong to try and dissuade the electors from voting. If they failed to attain their object they were authorised by the meeting to nominate five members of the British Cabinet, with a view to repeating the Grey episode. But the Geelong and Western District electors were contumacious, and they declined to ask the services of the Duke of Wellington, Lord John Russell, Lord Brougham, Lord Palmerston and Sir Robert Peel, who only got fifty-eight votes each at the four polling places, while the five colonial candidates averaged 220 each. If the useless but triumphant return of Earl Grey was deemed by the authorities to be insulting, what must be said of the ignominious position in which these respected noblemen were put by such a contemptuous rejection. It was all, however, a part of the game, and nobody suffered unless the electors may be said to have compromised the dignity of their office.

One matter connected with the election has never been satisfactorily cleared up. Mr. J. F. Leslie Foster, who had stood for the Melbourne seat against Earl Grey, was also nominated for the district, but he refused to go to the poll, and went over to the Opposition. On the other hand, Mr. Edward Curr, the so-called "father of separation," who was one of the delegates from Mel-

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bourne to try and block the election, was also nominated, made no sign of dissent and was actually returned.

But the elections brought no solution of the old difficulty, and before a year had passed over four out of the five had resigned, Curr being succeeded, curiously enough, by Foster, who had again changed his mind.

Meanwhile the year 1849 was gliding to its close without any definitive news on the question that occupied all minds. Reports had reached Melbourne that Her Majesty had graciously promised to confer her own name on the new colony, and that certain steps had been taken to give legislative effect to the change. But towards the close of the year there came news that the "Bill for the Better Government of the Australian Colonies" was not making satisfactory progress, and that so much controversy had arisen from some of its proposals that another, or possibly two sessions might be needed before finality was reached. Indignation was once more aroused, and two large meetings were held in Melbourne in November and December.

At the first meeting resolutions of an almost defiant character were passed practically threatening the mother-country with the loss of those feelings of attachment and loyalty to the Throne which should be the distinguishing feature of every British colony. At the second meeting a petition was adopted urging that the debatable questions in the Bill now before Parliament might be discussed at leisure, if only a simple Act of Separation of the district from the colony of New South Wales was in the meantime promptly passed.

As a matter of fact, the irritation expressed at the delay, if excusable from want of knowledge, was unreasonable on the ground of its suspicions. There was nothing to justify the popular belief that the underhand influence of Sydney opponents was responsible for obstruction. The authorities there, under the order of the Secretary of State, were doing what they could to expedite an event recognised to be inevitable. The delay was really caused by members of the British Parliament evincing an interest in the subject, and a desire to give the new colony a start with something better than the semi-representation of the Act of 1842.

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When the Under-Secretary for the Colonies introduced the Bill into the House of Commons on the 4th of June, 1849, he explained that it aimed at granting the separation of Port Phillip from the Colony of New South Wales, with a Constitution similar to that in force in the parent colony, and the creation of a Federal Union amongst the Colonies for general purposes, but primarily to secure uniformity in the fixing of tariffs. This first foreshadowing of an Australian Federation took its rise from the recommendations of the Board of Trade, which, on the 4th of April previously, had furnished the Cabinet with a very elaborate report, in which it strongly urged the importance of a uniform tariff for Australia, even if it required to be promulgated by an Imperial statute. It further recommended the formation of a House of Delegates to be elected by the various Australian Parliaments. This body was to have control of customs, harbours, transport of mails, coast lighting and a few other items in which all were supposed to be equally interested, but no voice in ordinary local legislation unless some specific point was referred to it by any colony.

Mr. W. E. Gladstone was the leader of the opposition to the Bill as introduced by the Government. He had an interest in a station property in Western Victoria, and was kept well posted as to the injustice of the existing franchise, which practically excluded the squatters from any share in the election of representatives. There was no disputing the fact that amongst that class were then to be found by far the largest number of the best educated and most able men in the community. They numbered in their ranks a considerable contingent of professional men, and a good sprinkling of retired officers of the Queen's services. Yet, if they did not chance to own freeholds, which was rarely the case, their Crown rentals gave them no vote, while perchance the bullock drivers in their employ enjoyed the privilege in respect of a £20 tenement in which they housed their families in Melbourne.

When Mr. Gladstone rose to speak he appealed strongly in the first place for an extension of the franchise to embrace the men to whom the progress of the colony owed nearly everything. For apart from the contributions of £25,000 to £30,000 a year to the general revenue for licences and assessments, they provided 95 per

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cent. of the total exports of the colony, and the thriving City of Melbourne had been built up out of profits made in supplying their wants and providing for the necessary improvements on their Crown lands holdings. On this question of the franchise Mr. Gladstone spoke with knowledge, but he had other objections of a more theoretical nature. He urged that the new colony should start on its career fully endowed with two Chambers of the Legislature, for he wished to see the genuine English type preserved whenever these upspringing dependencies emerged from that form of tutelage implied by a Crown Colony. He also denounced the attempt to fix a general tariff, and would not give that power either to the British Parliament or to a General Assembly of Special Delegates.

There was considerable discussion, in which Lord John Russell took an active part, and finally permission was obtained to introduce the Bill, and it was read a first time on the 11th of June. Thereafter its progress was troubled by receipt of conflicting petitions from Sydney and Melbourne, and by the too active interference of injudicious partisans or opponents, and it died with the close of the session. When Parliament re-assembled Lord John Russell introduced a new Bill, from which the disputed question of uniform tariffs was omitted. He hoped that the Colonies would adopt the fiscal reforms then in such high favour in England, but he laid it down as a cardinal principle in colonial administration that there must be no forcing of free trade upon unwilling colonists, and no interference with their right of self-government in such matters. Mr. Gladstone was still in opposition to the single Chamber, but he was defeated in a close division in Committee. Another contest took place over the question involved in the creation of the General Assembly of Delegates, and although the Government carried the proposal, the division was so close that Earl Grey elected to withdraw it when the Bill came to be finally dealt with in the House of Lords. Finally the reduction of the franchise was carried on the motion of Lord Lyttelton,[1] and

[1] In a volume of speeches on reform by the Right Honourable Robert Lowe, M.P., published in London, 1867, that gentleman claims to have suggested the clause lowering the franchise. He can scarcely be credited with ultra-liberal

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the Act, officially known as the 13th and 14th Victoria, cap. 59, received the Royal assent on the 5th of August, 1850.

Although this important piece of legislation introduced representative institutions into South Australia and Van Diemen's Land, and made provision for their ultimate extension to Western Australia, its wider basis was quite overlooked by the denizens of Port Phillip, who, in the tumult of their joy at their translation into the Colony of Victoria, were wont to speak of it as the "Separation Act," which had been the deserved result of their own persistent efforts and representations. So as the time drew near when they might expect the official announcement of their liberation, they took counsel together as to the proper celebration of such an event. Municipal and public meetings were held during September, and elaborate plans were laid for combined revelry and thanksgiving on the spot, and the spread of the glad tidings throughout the country by a series of beacon fires, flashing from hill to hill in imitation of that momentous day in England when "the red glare on Skiddaw roused the burghers of Carlisle". Batman's Hill, then a fair eminence at the western end of Flinders Street, was to give the signal, and during the intervening weeks of waiting it became once more a thickly wooded crest, carrying a hundred tons of firewood, piled in daring outline against the sky.

At length, on Monday, 11th November, the ship *Lysander* arrived from Adelaide, bringing London papers to the 4th of August, with the news that the Bill had passed both Houses, and Melbourne thereupon gave itself up to a week of delirious demonstrations. The great news was blazoned forth in special issues of the local papers, with headlines of monumental type, and in language of hysterical jubilation. The Superintendent having received confirmatory advices, a formal proclamation of the fact was made next day at noon on Flagstaff Hill, when the hoisting of the Union Jack was saluted with twenty-one guns. Wednesday was given over to feasting by day, and to a general illumination of the city

views in this step, for he says: "The circumstances of the Colony rendered, in my judgment, such a reduction in the franchise desirable, in order to keep in check the emancipist class, and to *prevent by a timely concession the demand for Universal Suffrage!*"

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and fireworks by night. Thursday was proclaimed as a day of thanksgiving: the shops were closed, and all the churches held special services, which were largely attended. On Friday the Superintendent performed the ceremony of formally opening Princes Bridge for traffic, supported by a series of those theatrical processions of trade and benefit societies which have to this day continued to be such a marked feature in all Australian rejoicings. Business came to a standstill, and even the printers declined their monotonous but important duties, so that for five days the citizens had to do without their morning paper, and were fain to gather their news from the gossip of the street.

A week of recuperation followed, but just as matters were settling down into the humdrum grooves, some enthusiasts arranged a fancy dress ball as a suitable finale, and the élite of the City were again plunged in turmoil. It was the first attempt to introduce this continental form of amusement to the banks of the Yarra, and it was the talk of the town for many a month afterwards.

But the rejoicings were largely anticipatory, and there was yet much to do before the yoke of the oppressor could be cast off. The despatch from the Secretary of State transmitting the Act did not reach Sydney until the 13th of January, 1851, from which date it became law in New South Wales. But it was not to be operative in Port Phillip until the day on which the first writs were issued for the proposed Victorian Legislative Council. In the interim the Sydney Executive was to prepare a Bill for submission to its own Council, determining the number of members in Victoria, arranging the electoral districts, providing for the compilation of burgess rolls, and appointing returning officers. The Port Phillip people expressed much indignation that these important details should be left to be settled by those whom they persisted in regarding as their natural enemies. Certainly no practicable suggestion was made for avoiding the difficulty, since legislation was necessary to provide the machinery for the Imperial Act. Had it been appended thereto in England, it would certainly have had but a remote chance of fitting the conditions. The Sydney Council was the only source of Legislation in Australia, and at least it had some knowledge of local requirements, and the presence of six members

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devoted to the interest of the district under consideration. To those six members there went very pointed instructions, from Melbourne meetings and municipal conclaves, urging them to stand firm in the expected contest. It should have tended to modify the prevalent suspicion of Sydney that Sir Charles Fitzroy wisely summoned Mr. Latrobe to take part in the conference while the necessary local Bills were being prepared, and the Superintendent remained in Sydney until after the prorogation of the Council on the 2nd of May.

When the "Victoria Electoral Districts Bill" reached the Council, it was loudly condemned by the people most affected by it; but the faithful six, and a couple of local members whom they had converted, were easily outvoted, and it passed into law without any alteration. On the basis of twenty representatives it allowed three members for Melbourne, two for Geelong, two for the County of Bourke, and divided the rest of the colony into thirteen single electorates. Three of these may be said in general terms to be agricultural districts, the other ten were almost entirely pastoral. These representatives, with the ten nominee members to be appointed by the Crown, would constitute the first Legislative Council of Victoria. The chief cause of dissatisfaction was the neglect by the Sydney Council of the petition from Melbourne that population should be the main basis of representation. Although there were loud complaints that the Bill only gave Melbourne one member for every 7,700 people, while a squatting district like the Loddon had a member for 1,120 voters, there was really no inconvenience experienced from the tentative classification. Long before any difficulty could have arisen, even before the first councillors had well taken their seats, the great inrush of population had commenced, which upset all previously formed estimates, and necessitated far more drastic changes in the form of Government than the mere allocation of representatives.

Meanwhile, without any premonition of the impending changes, the work of legal construction went steadily on. Efforts were made by petition to get the principle of the ballot recognised in the coming elections, but they were unsuccessful. Mr. Wm. Westgarth, who had been elected to the Council in the place of Earl Grey, moved

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for a reconsideration of the boundaries of the new colony, with a view to securing for it the lands between the Murray and the Murrumbidgee, as originally outlined in Lord John Russell's despatch of May, 1840, but he was hotly opposed by Mr. Wentworth, and the motion was rejected by a large majority. Finally, on the 30th of April, the Bill was read a third time and passed, and the Colony of Victoria acquired the legal right of existence. Two days later the last Legislative Council of New South Wales in which Port Phillip had been allowed a voice, albeit a feeble one, was prorogued until the 30th of June, when it was dissolved. On the 1st of July the Governor issued the writs for the election of members to the Victorian Council, this being the point from which, under the Act, absolute independence of New South Wales was to date.

Although the 1st of July was afterwards observed for nearly fifty years as a public holiday, under the name of "Separation Day," the initial rejoicings did not take place until the 15th of that month. At eleven o'clock on that day, in front of the Government Offices in William Street, in the presence of nearly two thousand people and all the available military display, Mr. Latrobe stood forth, surrounded by the principal officials, and heard read the Queen's commission appointing him Lieutenant-Governor of Victoria. Thereafter he subscribed the oath of office in the presence of Judge A'Beckett. The proceedings were rounded off by a salute of thirteen guns by the military, much cheering by the onlookers, and a vigorous rendering of the national anthem.

Within the building His Excellency then received the usual loyal and congratulatory addresses, poured in upon him from the City Corporation and half a dozen other organisations, all of which he acknowledged very graciously, having probably forgiven, if he had not forgotten, the bitterness with which the first-named body had opposed him in the past. The large attendance at the levée which followed seemed to indicate that the rancour of a section of the press had not prejudiced the general public against the man whom the Queen had honoured, and whose new dignity seemed to give an added lustre to their surroundings.

To the malcontents in the City Council, and the men who, two

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years before, had been hawking round petitions for the Superintendent's recall, the despatch of Earl Grey in January, 1851, could not have been very pleasant reading. In advising his appointment as Lieutenant-Governor, the Secretary of State wrote to Mr. Latrobe:—

"In conferring it on you, Her Majesty's Government have great pleasure in acknowledging the services which you have rendered to the community of Victoria, during your long and careful superintendency of its affairs, while constituting a district of New South Wales".

Pending the election of the members of the Council, which actually took some three months, it was necessary to provide an interim supervision of the affairs of State, and on the day after Mr. Latrobe had been proclaimed, the Attorney-General (Mr. Stawell), the Treasurer and the Collector of Customs were sworn in as an Executive Council, in terms of the Governor's commission.

Here then, at last, was the starting of the machinery of a self-contained existence. A Lieutenant-Governor who was in direct correspondence with, and amenable only to, the Secretary of State; an Executive temporarily controlling affairs, until the chosen of the people could be gathered into legislative conference; a franchise reduced to one-half of that under which the small contingent sent to Sydney had been elected; and finally, most important of all, the power in the hands of the people, through their representatives, to modify the constitution under which they lived, and to mould it to the requirements of the varying phases pertaining to a rapidly developing community.

The privileges which this latter condition carried were invaluable, and should certainly have silenced those grumblers in the press and on the platform who saw nothing but ruin ahead, because they did not get all they wanted at the first election.

A mighty change was at hand, which for a few months seemed to threaten the overthrow of all organised government. But out of the troubles it engendered, and the many mistaken theories it evoked, the way was clear for a distinct advance in the principles of Government, on ever-broadening democratic lines.

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CHAPTER XIII.

THE NEW COLONY—ITS PROGRESS AND LIMITATIONS: A RETROSPECT.

Before narrating the social and political turmoil into which the colony was plunged by the impending rush of population, it may be well to devote a chapter to some details of its material progress, which have not been dealt with in the preceding pages.

It is mainly confined to the Metropolis, to Geelong, and to the few small towns which had sprung up on the sea-board, for, up to 1851, there were no important centres of activity in the interior. The population of the district and the appearance of Melbourne at the time of Mr. Latrobe's arrival in 1839 have already been described.

In the twelve years between that date and the census of March, 1851, the number of inhabitants had increased from 5,000 to 77,000. But the numerical increase, substantial as it undoubtedly was, the annual additions ranging from 300 in 1843, the year of financial distress, to 14,800 in 1849, was rendered far more effective by the material improvement in the character of the population. When out of a total of 5,000 there were 1,200 to 1,500 servants who had emerged from the convict ranks of Tasmania or the Sydney district, the uncanny preponderance was a menace to the moral well-being of the community. The ever-growing demand for labour had, as already shown, compelled the unwilling acceptance of it in this form; but as the free immigrants poured in, efforts were made successfully to substitute them for the objectionable element. This was largely effected in 1841-42, and three years later the worst of the "old hands" had been practically eliminated, while such of them as had the saving grace of repent-

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ance and amendment found themselves surrounded by a population that helped rather than retarded their aspirations. Another beneficent change was discernible in the improved relative proportions of the sexes, the preponderance of males having been reduced in the twelve years from two-thirds to three-fifths of the population.

Out of the total of 77,000 there were, in round figures, 23,000 domiciled in Melbourne, 8,000 in Geelong, and 46,000 were thinly spread over the rest of the district. Of the latter quite one-half were connected with the pastoral interest, which had developed with phenomenal rapidity. The few thousands of sheep which the pioneers had brought over from Tasmania, or driven across the Murray from the central district of New South Wales, had multiplied into over 6,000,000 in 1851, and the cattle were returned at 37,800 head. The uncertainty of tenure precluded the squatter from incurring the cost of fencing, and the control of such vast flocks and herds entailed the services of a large number of shepherds, stockmen and store-keepers. The abundant native grasses on these virgin plains, the genial climate and the absence of predatory animals combined to make a pastoral paradise, clouded occasionally by disputes about boundaries, grumblings at the Crown Lands Commissioners, and intermittent invasions of "scab". So the natural increase progressed, even beyond expectations, and the export of wool, tallow and hides during 1850 had reached to close upon a million sterling, while the total value of all other exports outside the squatting interest was only £77,500.

The progress of agriculture had not been equally rapid, for it lacked the stimulus of a world-wide market for its produce. The Government had not afforded reasonable facilities to the many immigrants who had come so far in the hope of securing at a moderate price a freehold which it would pay to cultivate. Nevertheless, the land under cultivation had increased from 2,000 acres, when Mr. Latrobe arrived, to over 50,000 acres in 1850, and the foundations of much solid prosperity were laid in the exacting labour which follows the plough. Wheat, oats, hay and potatoes were the staple products, and the ever-increasing population required the opening of fresh ground annually to keep them fed.

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Indeed, during the whole period under review, the local consumption was never quite overtaken, and the import of bread-stuffs every year ran into considerable figures.

In the Metropolis and its immediate suburbs the population increased during Mr. Latrobe's superintendency from 3,000 to 23,000, and although most of the public buildings which he saw erected were a vast improvement on the makeshifts of the earlier days, they were each in turn found to be too small and mean for the part they were called upon to play in the colony's development. With the exception of the gaol, they were all, sooner or later, superseded. The erection of the gaol in Russell Street, which was completed in 1844, and took the place of a smaller one in Collins Street West, was a source of considerable irritation to the Melbourne public. It is true it was then upon the outskirts of the town, but from the high land on which it reared its frowning walls, it seemed like a dominating fortress "to threaten and command". The controller of the purse-strings in Sydney had blocked the way for buildings which were much more desired, and for the improvement of streets which were a disgrace to the town. Now it was alleged the Government was spending £25,000 to erect a building which the Mayor denounced as "a libel on the colony". Mr. Edward Curr went further, and said, at a public meeting, that it could only have been conceived on such a scale in a convict colony, where "it was computed that a number of persons, equal to the whole number of the inhabitants, are passed through the gaols once every three years!" Unhappily, it has been necessary to enlarge it since, more than once, and to build other gaols farther afield; but its aggressive aspect is somewhat diminished by surrounding buildings devoted to higher purposes, for it closely adjoins the Melbourne Public Library and National Gallery, and is flanked by the handsome buildings of the Working Men's College.

Perhaps one of the most striking instances of the tentative way in which public improvements were undertaken is exhibited by the manner in which the urgent demands for a bridge over the Yarra were met. Until early in 1838 the only means of crossing the river were by boat. In April of that year a man named William Watts was licensed to establish a punt at a crossing-place

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about midway between the site of the present Princes Bridge and the Railway Bridge. He continued to work his punt, with much profit to himself, for two years, and then sold out to a newly formed company, called the Melbourne Bridge Company, which was projected with a subscribed capital of £5,000, of which, however, only £500 was apparently called up. Its ostensible object was the erection of an iron suspension bridge, and the directors went so far as to enter into a contract for a neat structure of that character for £4,500, the Government being willing on its completion to concede to the company the right of levying tolls for twenty-one years. Whether the punt business was sufficiently profitable without the further outlay, or whether the contractor was unable to command the materials, or the Sydney Council refused to implement the Superintendent's alleged promise of a monopoly, is not easily ascertainable, but the proposal fell through, and with the aid of a second punt the company compelled the citizens to rest satisfied with that primitive form of transport for five years.

Richard Howitt, writing in December, 1843, says:—

"Seven years have elapsed since the colonisation of the country, during which period several hundred thousand pounds have been realised by the sale of its lands; near it is a handsome and populous town, yet over the Yarra, a stream forty yards wide, and after as much has been paid to cross it as would build a dozen good bridges, there is no bridge. Here I have known a poor man, with his four bullocks and a dray, after coming seven miles, cutting and lading his wood overnight, after hawking his load all day and selling it for three shillings, after paying at the punt two shillings and fourpence, return home seven miles in the evening with eightpence in his pocket."

Mr. Howitt, though his own experience in trying to form a home on the Yarra made him pessimistic, is not a man whose word can be doubted, but it is to be hoped that his illustration was very exceptional. It is true that the settled population south of the Yarra was small and scattered. The area now covered by the populous town of South Melbourne was mainly sandy scrub, intersected by swamps. The highest portion, so long known as Emerald Hill, when denuded of its timber for firewood, was used

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for grazing a few cattle. The flat lands near the river were a series of clay-pits and brickyards, from which Melbourne had been mainly built, and the punt dues fell as heavily on the brickmakers as on the wood-carters whom Howitt pictured.

At length, in June, 1845, a contract was entered into for a wooden pile bridge for the very moderate sum of £400. It was a poor, rickety-looking affair, crossing the river in a slanting direction from the foot of Swanston Street, where a jutting reef of rock had somewhat narrowed the channel. Although the tolls charged were heavy, it served the citizens for upwards of four years, and decidedly tended to the development of suburban residences in the direction of South Yarra and St. Kilda. Neither of those suburbs, however, comprised more than a few widely scattered private houses, until after the gold discoveries had brought population, and there was no attempt at road-making except in the direction of Port Melbourne, then known as Liardet's Beach.

The expectation that the Government would eventually build a suitable and permanent bridge, which the citizens demanded should be free, no doubt deterred the company from incurring any serious outlay on their venture, and its mean aspect and danger of destruction by floods led at last to the authorities taking action. The Legislative Council of New South Wales despatched an officer of the Public Works Department to Melbourne to report what was necessary to be done, and on his recommendation authorised the erection of a stone bridge of one arch, with a span of 150 feet, at an estimated cost of £10,000. The foundation-stone was laid with Masonic ceremonies by Mr. Latrobe on 20th March, 1846, but it took much longer to build than was contemplated, and was formally opened for traffic, under the name of "Princes Bridge," on the 15th of November, 1850, during the separation rejoicings. It was undoubtedly a very fine structure, the span of the arch being unique in Australia, and excelled by few elsewhere. It had the defect in site that, immediately after crossing the bridge, the road fell away to a low level, so that in seasons of heavy floods the Yarra occasionally cut off the approaches to the city from the southern suburbs. The total cost was about £14,000, and it served Melbourne for about thirty-eight years, when it was taken down to

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make way for the present structure, which cost just ten times as much, £140,000. As an instance of the rapid growth of local municipal government, it may be mentioned here in anticipation that while the old bridge was entirely paid for by the Government, the cost of the new one was borne as to one-third by the Government, one-third by the City of Melbourne and one-third by the municipalities south of the river.

The same fate of supersession befel the General Post Office, the Government Offices, the Custom House, and other buildings of which Melbourne was proud in 1850. The old Post Office, which in the early fifties stood on the site of the present palatial structure, was a densely thronged centre of attraction during the gold rush. On the arrival of the monthly mail from England, the long low wooden verandah was crowded from morning to night by an anxiously expectant mob, and it frequently took several hours before the coveted news from home could be obtained. The Government Offices, when first erected on a portion of the site now graced by the extensive Law Courts, were considered very imposing, as indeed they were in relation to their surroundings, and the effect was heightened by a military guard and all the paraphernalia of officialdom.

In 1836 the newspapers of Sydney and Hobart Town indulged in a good deal of generally unfriendly criticism of the then unnamed settlement on the Yarra, and by a singular coincidence one of them in each place ventured the prediction that if the chief town was located so far from the sea, the facilities of commerce would eventually necessitate the establishment of at least two others, one at the head of Corio Bay and another at the foot of Arthur's Seat. At the date of this recommendation there was, of course, not even a sod hut at either place, but they were both destined to justify the prediction. The commendation of the neighbourhood of Arthur's Seat for a town by the *Sydney Herald* in December, 1836, is based upon its assumed shipping facilities, its good surrounding land, and the probability of fresh water anywhere, by sinking wells. It seems to have been overlooked that the site was only a few miles from the district which Collins had abandoned as waterless in 1804, and that it had been examined by the officers of his

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party. It is true that a rural township has come into existence at the foot of the mountain, but it is in no way the Commercial Emporium then looked for. The little village of Dromana has no designs upon the world's commerce which is borne past its generally idle pier, and the chief ambition of its dwellers centres in the attraction which its health-giving breezes and picturesque surroundings can offer for a summer holiday resort to the dust-laden citizens of crowded Melbourne. Of such conditions of luxurious idleness the settlers in Port Phillip, half a century ago, had not even time to dream, for the prospects of money-making were alluring, and the labourers were indeed few.

But the other site, on Corio Bay, had everything to recommend it, and in the early days it found many champions who maintained its claim to preference over Melbourne as the capital of the colony. There were certainly many good reasons to offer for this contention. The position selected for the town was a moderately elevated ridge of land, sloping somewhat abruptly on the north to the shores of the bay, and more gently on the south towards the alluvial flats bordering the river Barwon. As a residential site it was charming; the view across Corio Bay, flanked by the rounded slopes of the Barrabool Hills, and backed by the serrated ridges of the You Yangs, compared, on a small scale, with the far-famed beauties of Sydney harbour. The slopes lent themselves to architectural adornment, and offered facilities for drainage; there was a sufficiency of level land for a broadly planned town, and the surrounding country was richly grassed and well watered. But for one defect the harbour gave promise of ample convenience for sea-borne commerce, equal to any imaginable requirements. The defect was one which every river and harbour on the Australian coast, saving only Port Jackson, has had to contend with. A sandy bar stretched across the entrance to the inner harbour, on which, at certain states of the tide, there was only some six feet of water. In after years, when the town grew in importance, a channel was easily dredged through this obstruction, and large fleets of ocean-going ships have loaded wool at the Geelong wharves. If but one-tenth of the money that has been expended in straightening and deepening the Yarra had been disbursed on its one-time rival port, it would have made a harbour

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much more highly appreciated by shipmasters than all the facilities even now offered on the river of the Metropolis.

By the end of 1837 some five and twenty stations had been formed on the Barwon, the Leigh and the Moorabool Rivers, and for some of these the sheep had been landed at Point Henry, just below the bar in Corio Bay. In passing to and fro the advantages of the neighbouring site for a town could not be overlooked, and an attempt was made by the settlers to persuade Sir Richard Bourke, when he visited the district, to proclaim a town site at Geelong. He was, however, unwilling to take the responsibility of going so far afield, until it was seen how the newly born Melbourne and Williamstown answered expectations. To soften his refusal he promised them the protection of a police magistrate and a few troopers, who should make their headquarters in the neighbourhood.

Mr. Fisher, manager of the Derwent Company's Station on the Bellarine Peninsula, was the first unauthorised occupant of the town site; but he built his house on the extreme south of its limit, near to the Barwon. This was early in 1837, and when Captain Foster Fyans was appointed to take magisterial charge of the district, he too fixed his quarters on the Barwon. Dr. Thomson, the pioneer "catechist," had also made his home on the river, and christened his unpretending cottage "Kardinia," the native word for sunrise. Gradually during 1838 a few rude erections found place on the, as yet, unsurveyed land, despite the Sydney proclamation warning off trespassers. One or two, near the shore of the bay, were stores for the supply of the surrounding settlers, their stock of goods being water-borne from Van Diemen's Land and Melbourne. Others were public-houses, or, more correctly speaking, grog shanties, where the shepherds and stockmen fore-gathered to carouse when they drew their wages. Towards the end of 1838 the Sydney Council authorised the laying out of a town, which was duly surveyed and divided into North and South Geelong. At the first sale of allotments, held on 14th February, 1839, fifty-three lots were disposed of, thirty-six on the Barwon side and seventeen facing the bay. The latter commanded the highest price, averaging £95 each, while those in South Geelong

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averaged only £40. Unfortunately, the control of the immediate future of the town fell into the hands of the speculators in Sydney, where the sale was held, for they secured the bulk of the offerings, mostly with the intention of holding for a rise. Only six local residents succeeded in purchasing lots; amongst them were Dr. Thomson and Foster Fyans, who thus retained their houses. Most of the other buildings had to be moved when the survey was made.

A special illustration of the unreliability of Dr. Lang's statements occurs in connection with this sale. In his *Port Phillip* (Glasgow, 1853, p. 107) he commends the decision of Lord John Russell to fix £100 per acre as the price of town lands, and then, referring to the foundation of Geelong, thus denounces what he calls the hawker-and-pedlar action of Sir George Gipps:—

"Now, if this judicious policy had been pursued at Geelong, or even if the uniform price of £100 an acre proposed by Lord John Russell had been changed into a minimum price of that amount, so as to admit of competition for particular sites, a large number of town allotments would have been purchased in that locality, and a flourishing town, with a concentrated population, would have been formed. But Sir George Gipps, thinking this was much too good an opportunity for raising a large revenue from the sale of town allotments, fixed the minimum price of such allotments in Geelong at £300 an acre, and those who purchased at that rate were obliged either to cut up their allotments into the minutest fragments, or to expend the capital, which might otherwise have been employed in rearing for themselves respectable and comfortable houses, in the mere purchase of sites. But as this profound scheme for screwing out the last shilling from an enterprising and industrious people did not answer, and the Geelong town allotments hung upon the Government auctioneer's hands, His Excellency hit upon another notable scheme for raising the wind, namely, by drawing an imaginary line from east to west, through what should have constituted the township, and calling the portion next the harbour North Geelong, and the other portion South Geelong, the minimum price in the latter being lowered to £150 an acre. Of course, those who could not afford to purchase allotments in North Geelong, where

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alone the town should have been in the first instance, were induced to take this Government bait, and to form an insignificant village at about a mile distant from the proper town."

The answer to this sneer at Sir George Gipps is that the sale took place fifteen months before Lord John Russell's "judicious policy" was embodied in a despatch to the colony, and the prices realised, quoted from official sources, disprove the rest of the contention.

The initial sale in Geelong took place some eight months before Mr. Latrobe's arrival, but it was not till 1840 that there were any indications of progress about the place. The exorbitant ideas of the Sydney speculators blocked occupation, and the result was the springing up of scattered dwellings outside the surveyed boundary of the town, and the creation of irregular suburbs, the dwellers in which, at first, actually exceeded the town residents. Gradually, however, the Government submitted more land to auction, and the speculators were thus forced to accept lower prices, so that at the census of 1841 Geelong claimed to have eighty-one houses and a population of 454. It had also by that time its newspaper, the *Geelong Advertiser*, the oldest continuing Victorian journal, which was a business venture of the indefatigable John Pascoe Fawkner.

Thenceforward the progress of the town and the district was steady, and it continued to grow in population and trade until, in October, 1849, with some 8,000 inhabitants, it was incorporated by an Act of the Sydney Council, and Dr. Thomson, who had been with it from its birth, became its first mayor. With the development of the goldfields in 1851, the situation of the town as a halfway house on the best route to Ballaarat, gave an enormous impetus to its growth, and it nearly doubled its population in two years.

There was reserved, however, for a small township in the extreme western limits of the colony, 225 miles from Melbourne, the distinction of establishing a record for the price of town allotments, cut out of the surrounding forest. Portland Bay was known to the earliest settlers as the locality where the Henty family had made their unauthorised descent upon the coast, before South Australia was colonised or the lands around Port Phillip occupied.

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The story of this settlement has been detailed in a previous chapter. When it was found that the Messrs. Henty had a port at their disposal, and were shipping thence both wool and whale oil, the Government considered it necessary to lay out a town, and provide officers of police and customs. Accordingly, in May, 1839, Mr. Foster Fyans was instructed to proceed thither and report upon its suitability for a Government settlement. The response was such enthusiastic praise of the district that Sir George Gipps ordered a survey at once, and a sale was held in Melbourne on 15th October, 1840. The result must have indeed astonished the Governor, for he hastens to advise Lord John Russell in jubilant terms :—

"The sale included twenty acres of building land in the proposed town, which sold at the rate of £551 6s. per acre; fifty acres of land in the immediate neighbourhood of the town, which produced £64 per acre; and 267 acres of land fit for cultivation, within the distance of two miles from the town, which sold for £11 7s. per acre. When it is borne in mind that as yet only one house, that of Mr. Henty's, exists in the place, and that the nearest Government establishment is 150 miles distant, this result will, I doubt not, be considered by your Lordship as highly satisfactory; at any rate, I trust it will be taken as a proof that the measures which I adopted for opening the district were not premature. I cannot abstain from remarking to your Lordship that, had Portland Bay been opened on the South Australian principle, the produce of the sale of land now reported would have been £337 instead of £17,245 10s. 5d."

The immediate benefit to the Government revenue was no doubt very palpable, but it would have been interesting to have heard the opinion of Mr. Edward Gibbon Wakefield as to who were the ultimate gainers by this insane competition. It is certain that after more than half a century of occupation, with a port on which very many thousands have been since spent, and with a railway to its doors, most of these allotments, minus their buildings, would not realise the half of what they cost when the wilderness was all around them.

But such a generous contribution to the revenue justified a local official staff, and consequently a police magistrate and commissioner of Crown lands for the district were promptly appointed. The

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former, on taking charge a few weeks after the sale, reported to Mr. Latrobe that the township consisted of one good house, six decent cottages and a few huts, which amongst them accommodated a population of at least one hundred!

Remote as it was from the seat of Government, Portland was early recognised as the proper outlet for the produce of the stations that were being continuously formed between the lake district and the Wannon and Glenelg Rivers. Even in 1841 ships loaded wool there direct for London, and the local stores were supplied from Van Diemen's Land by quite a small fleet of brigs and schooners. Since the town lived only to meet the requirements of the squatting interest, its growth was not rapid, but it justified its existence by reaching a population of 1,025 at the date of the first elections in Victoria.

Somewhat later two other small towns were founded on the south-western sea-board. That of Belfast, or Port Fairy, at the mouth of the river Moyne, was laid out by a private speculator on a portion of Atkinson's Special Survey. Despite some vigorous quarrels between the original landowner and his tenants or purchasers, the settlement grew with great rapidity, owing doubtless to its close proximity to the richest agricultural land in the colony, so that by the period just referred to the population was returned at 900. The other town, Warrnambool, at the mouth of the river Hopkins, had a later start, being a creation of the Government, and therefore requiring a good deal of preliminary negotiation. As early as 1844 there were a general store and a few huts at Lady Bay, as the place was then known, and more than one regular trader plied between there and Hobart Town, carrying away fat cattle from the neighbouring stations to provide rations for the soldiers and convicts across the Strait. In 1846 the Government took the question of a town into consideration; then they ordered a survey and found a name, and finally, in the middle of 1847, they offered by auction in Melbourne allotments in the newly planned town of Warrnambool. The demand was not up to expectation, for those sold only realised an average of £40 as against the £551 per acre given at Portland seven years before. But the conditions were different, for the visions of the speculator had ceased to

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dazzle, and he had learned bitter lessons. At first the progress was very slow, for by the 31st of December, 1850, the population was only returned at 342. But the site had many natural advantages, and when it became better known its attractions gathered a population considerably in excess of Portland and Belfast combined.

The only other coastal town at this time was Port Albert, in Gipps Land, a little to the east of Wilson's Promontory. Here, even in these early days, some 200 persons were employed in working a cattle trade with Van Diemen's Land. But it has never shown much sign of prosperity, the immediately adjacent country being poor and scrubby, while the greater facilities offering elsewhere for the shipment of stock left it stranded and somewhat desolate, until in quite recent years it was wakened to activity by the establishment of railway communication with the Metropolis.

In the interior there were rudimentary groups of rough buildings at Kilmore, on Rutledge's Special Survey; at Kyneton, on the Campaspe, and at one or two of the river crossings on Major Mitchell's track, as the main road to Sydney was then called. None of these places could be called centres of population, being merely a few stores, grouped round a police-station, for the supply of the surrounding squatters, and the inevitable shanties for providing liquid refreshments to their generally hard-drinking servants. The country may be said to have been at this time a vast sheep-walk, worked for all it was worth by men who realised the good thing they had got. When counting up their large annual profits, they doubtless felt some disquiet occasionally in the expectation that a growing democracy would soon be clamouring for a rental more commensurate with the privileges enjoyed.

The so-called "discovery" of Gipps Land pertains to this period. Since the days when the adventurous young Surgeon Bass had beached his boat upon its inhospitable shores, near Cape Everard, no white man was known to have penetrated its interior. Landings had been effected about Corner Inlet by the half-savage sealers who occasionally infested the coast, and sometimes carried off the native women in their luggers, but the long 200 miles of coast line offered neither attraction nor facility for exploration. On the landward side it had barriers that for long seemed to be insur-

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mountable. One of its earliest visitors, the Polish Count Strzelecki, viewing it from the summit of Mount Gisborne, says it resembled an amphitheatre walled from north-east to south-west by lofty and picturesque mountain chains, and open towards the south-east, where it faces, with its sloping area, the uninterrupted horizon of the sea. The limit of settlement, in Mr. Latrobe's early days, eastward of Melbourne had not extended much beyond Dandenong, though deflected southward a few scattered settlers had taken up country for stock in the neighbourhood of Cranbourne and around the margin of Western Port Bay. Their eastward progress had been arrested by the dense and apparently interminable forests covering the low ranges, in attempting to avoid which they fell in with a succession of treacherous swamps, heavily skirted with an almost impenetrable thicket of ti-tree and rotting vegetation. From the northern end of the Dandenong Ranges the great barrier of the Australian Alps spread away to the head-waters of the Murray, and defied the efforts of adventurous stockmen to cross. From the New South Wales side squatters, who had received reports from the blacks of a fine open, grassy country beyond the ranges, tried in vain to approach it. One or two had pushed their way as far south as the Omeo high plains, and had found a well-grassed country, but a severe winter climate. It was from this point that the first vigorous attempt to penetrate to the vaunted paradise of graziers was made. The man who succeeded, after many rebuffs, and who has the strongest claim to be called the discoverer, was Angus McMillan, a stalwart and resolute man from the Isle of Skye, who had only been a little over a year in the colony, and was at this time in charge of the Corrawang Station as overseer. His first attempt, made in May, 1839, in company with one native black, though it resulted in little in the way of discovery, gave him a fair idea of the difficulties before him and stimulated further action. After five days of toilsome struggle through scrubby ranges, he reached a peak he called Mount McLeod, from the summit of which he had a view of the sea in the direction, as he thought, of Corner Inlet, his only guide being an early copy of Flinders' chart of the coast. His black companion, who had professed to know the country, got alarmed at the traces of wild

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blacks, and unable to induce McMillan to return made an attempt to kill him during the night. When detected in the act he denied all evil intention, and blamed an unfortunate realistic dream for his erratic action. In any case, the incident induced McMillan to return at once to Omeo to report progress to his employer. Later in the year he returned and formed a cattle station on the Tambo River, some forty miles south of Omeo, and from this depôt he made his first considerable journey, starting on the 11th of January, 1840, with four white companions and two natives. He appears to have followed the Tambo down until he reached the great lakes, to which he gave the names of Victoria and Wellington. He then struck a westerly course, and penetrated as far as the district about Maffra, the centre of the richest grazing area in Eastern Victoria. In his course he crossed and named the rivers Nicholson, Mitchell and Avon, and finally brought up on the McAlister, which he then followed down to its junction with the river afterwards called the Latrobe, close to the site of the present town of Sale. Here, their provisions nearly exhausted, and a fortnight's laborious effort to their credit, they resolved to return to the station, McMillan declaring his intention to bring cattle thence at once to fatten on the finely grassed open plains which extended from the Avon to the foot of the Australian Alps in the north. Believing himself the first white man who had penetrated the district, he named it, with pardonable racial pride, "Caledonia Australis," but the name had no more permanence than Sir Thomas Mitchell's happy christening of Victoria.

Lest any other claimant should arise for the honour of his discovery, McMillan, on reaching the station on the Tambo, at once reported to his employer the particulars of the country opened up, though that gentleman, desiring to avoid competition for its occupancy, kept the information to himself. But as soon as possible he sent McMillan back with a mob of cattle, and in October, 1840, he formed the first station on the Avon River. This was of course done without any Government sanction, as it was beyond the jurisdiction of any Crown Lands Commissioner. Leaving the station in charge of his companions, McMillan started off to Maneroo to get protection for his holding from the Commissioner

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there, but was told as he had gone so far afield he would have to protect himself. This turned out to be something more serious than he had contemplated, for on getting back to the Avon, he found the station raided by the natives, his men fled, and the cattle dispersed. As his Highland spirit was roused he soon organised a party of half a dozen assistants, and after some skirmishes with the blacks, with what result to them he does not tell us, he re-established his quarters, and was thenceforth undisturbed. But he had formed this station against his employer's instructions, having been told that access to Corner Inlet, or some equally good shipping port, was a primal necessity if the stock were ever to be marketed. He made more than one unsuccessful effort to complete this part of his instructions, and on the 9th of February, 1841, he started with five companions, and in five days reached the site now occupied by the town of Port Albert. Three months later he had marked out a practicable track, and driven a dray from the station to the port. Count Strzelecki, who was honoured by the Royal Geographical Society with the founder's gold medal, as the discoverer of Gipps Land, did not enter upon the scene until the 26th of March, 1840, when his party passed the station on the Tambo managed by McMillan, and received from the people there full particulars of the journey to the McAlister River, from which they had just returned. The Count's party was supplied with both provisions and directions, and a guide for one day to enable them to pick up the tracks. They did not reach Port Albert, though ostensibly Corner Inlet was their destination. A few days after crossing the Latrobe River they had to abandon their horses, and having only four days' provisions left, on a reduced ration, they, under a strange misapprehension of the distance, attempted to take a direct line for Western Port, the nearest known settlement. For twenty-two days they toiled on over ranges and through dense undergrowth, literally hacking their way, broken down by anxiety and enfeebled by starvation. For more than a fortnight they had nothing to eat but the flesh of the native bear, pungently flavoured with eucalyptus. And this they were often compelled to eat raw from inability to raise a fire in the wet undergrowth. They arrived at the old settlement on Western Port Bay

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on the 12th of May, a forlorn and ragged troop, and were ready enough to admit that some of them at least owed their lives to the Goulburn native who was of the party, whose resources in woodcraft had ensured them such food as they had. The Count renamed several of the rivers he crossed, which had already been dealt with by McMillan, but as a rule his christenings were not adopted. He gave the name of Lake King to the most eastern lake, and he was also the sponsor for the Latrobe River, which McMillan had called the Glengarry. But his greatest triumph was in substituting Gipps Land for Caledonia Australis.

It will thus be seen that so far as the penetration into the heart of Gipps Land is concerned McMillan was first (see Appendix, p. 396). In traversing its entire length from east to west the Polish Count and his party can claim precedence. But the cautious Highlander had combined profit with adventure, and while he endured much hardship and discomfort, he was rewarded by available benefits for himself and his employers, and the use of a good port for shipment for all who followed him. Strzelecki's discoveries, interesting to some extent on scientific grounds, cost a large sum of money; involved the abandonment of his pack horses, stores and surveying instruments in the ranges, and left a discouraging opinion of the character of the country for a considerable time.

But even while these inland ventures were proceeding there was an attempt made by sea to find a practicable entry. On the 30th of December, 1840, the steamer *Clonmel* left Sydney for Melbourne, and in attempting to cut off Wilson's Promontory found herself on the beach at the entrance to Corner Inlet. There were ninety passengers on board, but no lives were lost, their plight being fortunately discovered by a Government cutter in which the harbourmaster of Port Phillip was taking a cruise. But the steamer remained on the sands, and several small vessels were despatched from Melbourne with a view to salvage. The reports received through this medium of the promising character of the surrounding country induced the formation of a company to settle the district. The barque *Singapore* was despatched with some horses and cattle and a number of pioneers interested in the venture, and reached Corner Inlet on the 13th of February, 1841. The adventurers

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could not discover a suitable landing-place, and after a fortnight's exploration of the adjoining coasts they found a river, which they called the Albert, in honour of the Prince Consort. In a report addressed to Mr. Latrobe on 27th April, and by him forwarded to the Royal Geographical Society, they recommended the establishment of a township to be called Alberton. They landed their stock on the river bank, built a storehouse and a few huts for the men whom they left in charge, and most of them decided to have a look at the surrounding country, and then explore their way back to Melbourne overland. They started north, up the Tarra rivulet, and soon struck the blazed line which McMillan had made only about three weeks previously. This they followed to the Latrobe River, and waxed highly enthusiastic over what the report calls "a Pisgah view of the vast and fertile plains forming the interior of Gipps Land". They penetrated as far as Lake Wellington, and then struck a westerly course for Melbourne. By keeping farther north than Strzelecki they avoided many of his difficulties, but they had to cut their way through dense scrub for some thirty miles, and finally reached Western Port on the 11th of April without any catastrophe, after an interesting journey of nineteen days.

From these dates it will be noticed that when McMillan was at Port Albert on 14th February, 1841, it was an unknown wilderness, and when he returned with his dray, three months later, he found a small active settlement there, as the heralds of the coming invasion.

Many of the earlier colonists who survived the changes wrought by the invasion of the gold seekers, have averred that in its social aspect Melbourne was a more agreeable place of residence from 1845 to 1851 than at any other time. The financial distresses of 1843 had been surmounted, and the lesson had been taken to heart. The sordid struggle to make rapid fortunes by speculation, too often based upon those invariable qualities of a so-called "boom," sharp dealing on one side and greedy cupidity on the other, had ceased to vex the souls of men. Business of all kinds was progressive and profitable; the professions were by no means overcrowded. The cost of the necessaries of life was not more than half what it

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would have been in England, so that the aspiring Government clerk and the industrious artisan were each alike able to save out of their incomes. Rent and servants' wages were relatively high, but the fashion of elaborate establishments did not prevail. Mr. Westgarth assures us that even Latrobe did not keep a carriage for some years after his arrival. But, without ostentation, there was much pleasant social intercourse, and a modest but genuine hospitality was the characteristic of the town, as it was admitted by all travellers to be eminently that of the country. Mr. Thomas A. Browne (Rolf Boldrewood), in his interesting *Old Melbourne Memories*, has borne his personal testimony to the harmonious relations of the pastoral and agricultural interests, whose feuds were hereafter to be so pronounced. From a lengthened experience in the Western District, he says there was then no jostling or antagonism between the classes who sought to make the products of the soil the medium of their prosperity. When land was wanted for agricultural settlement, it was surveyed and sold by Government, and the squatter accepted the alienation of a portion of his run as an inevitable necessity. The farmer sold him his flour and forage, which it was found cheaper to buy than to grow, and in return the farmer bought milch cows and bullocks for his teams. "From time to time," says Mr. Browne, "the agricultural area was enlarged when needed. To this no squatter objected, nor, to my knowledge, was any such land purchased by any other than *bonâ-fide* farmers. I cannot call to mind any feud or litigation between squatter and farmer having its inception in the land question."

One of the reasons that may be adduced for this era of peace and good-will was the superiority of the class of immigrants who had been attracted to Victoria. The very agitation for separation from New South Wales had caused so much attention to be directed to Port Phillip that it was really better known in England than the older settlements. Until these protests and petitions and deputations had begun to disturb the placidity of the House of Commons, the very name of Australia had only a vague significance in British minds, and it was not uncommon to hear the entire continent referred to as Botany Bay. But with the publication of the shoal of documents poured upon the Secretary for the Colonies and the

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Parliament—statistical, pictorial, descriptive, and doubtless in many cases exaggerated—the restless and the enterprising in the mother-land had their attention directed to a country that seemed to offer them many advantages towards material prosperity. A land of sunshine, where verdant plains pastured millions of sheep the year round, without shelter, and with the minimum of attention. A land with wide areas of rich soil that would respond generously to the most primitive husbandry. Above all, a land where the people were in deadly earnest about keeping it unpolluted by imported felonry, and where, even already, with the lightest of taxation, the Government enjoyed a substantial surplus revenue after defraying every shilling that had been spent on its foundation.

This increased knowledge and these alluring reports stimulated a class of emigration which, when the time came for the responsibilities of self-government, provided the intellect and character for giving it a fair trial. Mr. Westgarth refers, as a bright feature of those times, to the large number of young men, sons of good families, who flocked out in unusual proportions, and infused into the somewhat primitive scene the charm of high culture and refined manners.

It may seem invidious to select a few names, but it will be readily understood that they are only types, and scores of others who did good work for their adopted country are, in the interest of brevity only, passed over. Amongst professional men whose reputation has stood the test of time we find William Stawell, Redmond Barry, Edward Eyre Williams and R. W. Pohlman helping through these years to mould and influence the intellectual growth and the social tastes of the community—all of them eventually finding their reward by becoming the judges of the land. The names of Charles Sladen, John Fitzgerald Foster, Charles Hotson Ebden, Augustus F. A. Greeves, James F. Palmer and William Westgarth are prominent in all the public movements of the early days, and their reputations carried each of them into positions of political influence when the new colony was formed. On a lower plane, perhaps, from the point of culture, but strong in practical common-sense and experience of human nature, were many men out of whom legislators were formed, some at least showing a capacity for statecraft that led them to power. Of such, John O'Shanassy, William Nicholson,

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John Pascoe Fawkner and John Thomas Smith may be taken as fair types.

The intellectual side of Melbourne life did not blossom into book production. There was a fair and growing library at the Mechanics' Institute, where the leading periodicals from England could be seen some four months after publication, and there were book clubs and reading associations for the economic consumption of imported literature. The author had not yet arrived, but his forerunner, the journalist, was very much in evidence. The efforts in original composition were practically limited to the articles in the daily papers, which, sad to say, were but too frequently splenetic vilification of the opposition journal. From the time when the *Gazette* and the *Patriot* first came into collision in 1839, there had been an almost incessant outflow of insulting and disparaging vituperation between each of the contentious journals that came into existence. Mr. Fawkner's first venture, the *Melbourne Advertiser* in 1838, has been already referred to—nine weekly issues in laborious manuscript form were published, and by the time he had got command of a little discarded type and a primitive form of hand-press, further issues were stopped by the police magistrate, who had only then discovered that taking advertisements made it a "newspaper". As such it required to be registered in Sydney, and the proprietor was called upon to find two sureties of £300 each for its future creditable conduct. This Fawkner was not able to do at the time, but after much negotiation with Sydney and a suspension of eight months he found himself in a position to resume, and changing the name of his paper to the *Port Phillip Patriot* he recommenced his journalistic career on the 1st of January, 1839.

But while he was grizzling over official delays, two young men from Sydney, George Arden and Thomas Strode, stole a march upon him, and in October, 1838, they commenced the issue of the *Port Phillip Gazette*. The resulting feud between these papers has been amusingly illustrated by extracts in Mr. Bonwick's notes on the early Australian Press. Neither of these journals could be ranked as high-class, and in point of management and provision of news they could not stand against the superior work and greater influence of the *Port Phillip Herald*, started by George Cavenagh

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in January, 1840. There is a consensus of opinion that from the first this paper commanded more confidence than any of the others, and it maintained its lead until the convulsion of the colony by the gold miners in 1852, when it was fairly and finally distanced by the *Argus*. After many changes of editors the *Port Phillip Gazette* was bought by Thomas McCombie in 1843; and in the same year G. D. Boursiquot purchased the *Port Phillip Patriot*, and absorbed it into his own paper *The Daily News*. This paper was, in its turn, a few years later, absorbed by the *Argus*.

The Press, the Pulpit and the Stage are each recognised teachers. Of the former it must be said that it developed into a power in Victoria, which was very inaccurately expressed in calling it "the fourth estate". It will be seen how, in the great constitutional struggles which had to be faced, it became little short of a supreme power, and ruled Administrations with a hand on which the velvet glove was not very apparent.

During the period under review the Pulpit gained a stronger hold than it has since been able to maintain. Churches and chapels were being built, congregations multiplied, and scarcely a year passed but some denomination was deploring the want of accommodation. A generation later there was abundance of room, and the difficulty was transferred to filling the seats and providing the necessary financial basis. In the forties Melbourne was noticeably a church-going town, partly from force of English habit, and partly perhaps from the lack of facilities for getting away from it. On the whole, it might be regarded as a season of at least outward religious peace and progress, subject only to two special disturbing elements. The most serious of these was the strife which was continually being fanned into the flame of outbreak between the Irish Roman Catholics and the injudicious persons who so fanatically kept the sacred anniversary of the battle of the Boyne. During several years William Kerr, while occupying the editorial chair, successively of the *Patriot* and the *Argus*, was also the Provincial Grand Master of the Orangemen of the district. As he had a biting, though by no means refined style of sarcasm, and generally dipped his pen in gall, the feud was kept strenuously in the forefront. Such an occasion as the laying of the foundation-stone of the Protestant

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Hall, in April, 1847, afforded journalistic deliverances for a month, and the nursing of physical as well as moral injuries for even a longer period.

The other, and lesser cause of trouble, was the disruption of the Presbyterian body, following on the news of a similar break-up in Scotland. Vigorous attempts were at first made by some of the wiser heads to maintain an attitude of neutrality for the Australian Synod, which, it was sensibly argued, should give its adherence to neither the Established nor the Free Church of Scotland, but hold friendly correspondence with both. But an ecclesiastical court is not an easy body to bring into line, and for two or three years, 1845-47, there was very persistent contention, into which the irrepressible Dr. Lang, of Sydney, jauntily intruded, with a far from healing effect. Most Scotchmen love controversy, and it is probably true that the discussions, withdrawals, depositions and threatened expulsions did more towards arousing a personal interest in their Church than a longer course of the gospel of peace and good-will. The era of the new colony opened with three or four contending varieties of Presbyterian church government, but in time the force of old traditions weakened, and in later years a happy union of interests and aims was peacefully effected.

The third great public teacher, the Stage, did not occupy a prominent stand on the educational platform at this time. Its advent in Melbourne was of the meanest kind, and shabby as was the temple, it must be owned that the mirror it was supposed to hold up to Nature did not present a fascinating reflection. The first Thespian home, erected early in 1841, was a small wooden building on the south side of Bourke Street, midway between Swanston and Elizabeth Streets. It stood a little back from the alignment, and was entered by a steep flight of wooden steps; the interior was divided into a so-called dress circle, with pit and gallery. The lighting arrangements were based on candles in tin sconces, which could hardly have done justice to what the local paper called the "neat and elegant appearance of the proscenium and stage". It was erected by the proprietor of an adjoining public-house, known as the Eagle Inn, but he had omitted the important preliminary of securing a licence, and when all was ready

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the police magistrate refused to grant him one. Failing permission for dramatic performances the "Pavilion," as it was called, was opened as a concert hall in connection with the hotel, but it was conducted with such an absence of order, and often in violation of common decency, that the authorities interfered and peremptorily ordered it to be closed. This prohibition brought about the insolvency of the manager, and unsuccessful attempts were made to sell the property, which, during the year, was the subject of many police court actions. At length, early in 1842, when it was lying empty and somewhat tattered, an Amateur Theatrical Association was formed by half a dozen respectable citizens, to rehabilitate the building, and produce legitimate dramatic entertainments for charitable and benevolent purposes, the immediate intention being to raise funds for the projected hospital. The Committee which took it in hand easily secured a licence, and having effected all necessary repairs and improvements, opened it under the name of the Theatre Royal, with a very creditable amateur performance. Later on the name was changed to the Royal Victoria Theatre, but it did not take long for the Amateur Association to lose all their money, and get out of their liabilities as best they could. Thereafter the place struggled for a year or two, affording opportunities to bands of strolling players, and, for one season, with some show of success, when a Mr. and Mrs. Knowles from Launceston introduced Shakespeare to the Melbourne public, and staged both "Othello" and "The Merchant of Venice" in a manner which evoked most laudatory criticisms from all the papers. But the taste for the higher drama was not sufficiently pronounced, and interludes in which buffoonery and rioting occurred frequently caused the intervention of the police. Finally, the name was again changed to the Canterbury Hall, and the low-class performances given became such a nuisance that it was at last pulled down as a discredit to the neighbourhood.

The extinction of the first theatre was accelerated by the fact that Alderman John Thomas Smith erected a much larger and more permanent playhouse in Queen Street, which was opened in April, 1845, under the title of the Queen's Theatre. This remained the legitimate home of the drama for the next ten years, and was the means of introducing to Melbourne some of its most

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fondly remembered actors. Mr. and Mrs. George Coppin, Mr. and Mrs. G. H. Rogers, and Mr. and Mrs. Charles Young took a firm hold of the regard of the play-going public, and continued to delight them for more than a generation afterwards. In later years, when great theatrical stars were imported for the handsome theatres subsequently built, they had all the advantage of a first-class stock company to set them off. Some of those who came heralded with great flourish of trumpets did not, in the opinion of competent critics, equal a selected few of the local artists. For Melbourne was early recognised in the profession as an exigeant centre of dramatic criticism, and in later years has shown a pronounced tendency to theatre-going, and a keen appreciation of the best in the actor's art.

It remains only to notice some of the limitations under which the colony suffered, most of which it has long since outgrown. Its remoteness from the world's metropolis could not be abridged, but improvements in the means of communication seemed to have been somewhat neglected. The average time occupied in the transmission of mails was four months each way, and this tediousness was frequently accentuated by the letters being carried to Sydney and thence returned overland. In 1845 the Town Council of Melbourne sent a petition to Sir George Gipps urging that the mails from England, carried by vessels bound to Sydney, should be dropped at the pilot station at Port Phillip Heads, but although the Governor forwarded the petition to London no notice appears to have been taken of it. One or two attempts to organise a speedier mail service, in the early days of ocean navigation, failed from lack of financial support, and from the various mischances which beset novel enterprises. The Peninsular and Oriental Company were running steamers to India, *viâ* the Cape of Good Hope, in 1844, and were not unwilling to establish a branch service from one of their outposts to Sydney. But the jealousy of the East India Company, which then absolutely dominated the trade with the East, succeeded in blocking the proposal, and it was not until the British Chambers of Commerce had stirred in the matter by petition to Parliament that the opposition was overcome. By the time arrangements were completed for the despatch of the

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first steamer, bringing on the mails from Singapore in 1852, the imports of the colony of Victoria had risen from £744,000 in 1850 to over £4,000,000 per annum, a fact which fully accounts for the timely intervention of the British merchant.

The city of Melbourne laboured under three serious disadvantages at this time. It had a very unsatisfactory water supply; no scheme of sewerage; and an important area of it was liable to disastrous inundations when the Yarra was swollen by heavy rains or melting snow in the ranges where it took its rise. The original choice of the town site was determined by the existence of a natural barrier across the stream which prevented the tidal waters from the bay polluting the upper reaches of the river. Above this slight rocky obstruction, known as "the falls," the water was drawn for the town supply, and at the date of separation it had no other available source. A long row of wooden platforms, carrying pumps, adorned the northern margin of the stream above Princes Bridge, and from these water carts plied a busy trade in all seasons, conveying this necessary of existence to the houses of the citizens at 5s. per load. Though the houses, as a rule, had tanks and barrels for the conservation of the rain water, the best of them could hardly pass through a summer without external supplies which were sufficiently costly to make the matutinal bath a luxury and generally to handicap cleanliness. Apart from the question of cost, however, the purity of the supply was steadily deteriorating with the progress of settlement up the Yarra Valley, and in the nearer populous suburb of Richmond, whence the surface drainage at least converged on the river. What had sufficed for a population of 5,000 became a menace and source of alarm when that number increased to 25,000. The plain indications of prejudicial effects on the health of the community induced the City Council to call for a report from their surveyor in January, 1851, which, when received, gave quite a shock to the custodians of the public health. The city surveyor declared in effect that the combination of animal and vegetable decay, intensified by the refuse of fellmongery yards and kindred industries, and the general dirtiness of the method of distribution, rendered the fluid supplied deleterious, if not absolutely dangerous, for human consumption. Owing to the disorganisation

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of the public service it took some time for the Government to get the matter well in hand, but before he left the colony Mr. Latrobe performed the ceremony of turning the first sod of the Yan Yean Water Works. It was completed in a little over two years at a cost of about £660,000, and furnished an ample supply of exceptionally pure water from a reservoir in the mountains twenty-four miles north-east of Melbourne.

The lamentable want of a proper system of sewerage remained a reproach for nearly fifty years after this period. The low level of a large part of the city, only a few feet above high water mark, presented many engineering difficulties in the way of underground drainage, while the unavoidable soakage of thousands of cesspits tended to pollute the whole area, and poison wells and underground tanks. A system of open channels on each side of the roadway was long in vogue, and in rainy weather they became in some places dangerous torrents. The centre of Elizabeth Street, down which there originally flowed a tributary of the Yarra, frequently reverted to its primal uses, with the difference that what once formed a rushing rivulet at the bottom of a water-worn gully was converted into a broad turbulent canal, spreading across the whole width of the street, and invading the shops on either side. Great destruction of goods was suffered by the shopkeepers, and more than one life was lost by individuals being swept down the current to the river. All these defects were eventually overcome, but the engineering difficulties of the situation involved long years of delay, costly experiments and a final outlay to be counted by millions sterling.

The first great flood in the Yarra since the settlement occurred on Christmas Eve, 1839, after a three days' steady downpour of rain. It swept away the punt, demolished the wharves in course of construction, flooded out all the brickmakers on the south bank and carried their dwellings and belongings in a tangled heap of ruins out into the bay. On the north side the water swept Flinders Street from end to end. Two or three lives were lost and a general feeling of panic prevailed. In 1842, 1844, 1848 and 1849 the same experience was repeated, each time with more disastrous results in the destruction of property; for notwithstanding the manifest risk

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the exigencies of business induced the settlers to continue an ever-increasing occupation of the submerged sites. Thus the flood of November, 1849, which was preceded by a devastating hurricane, inflicted losses in goods and buildings to the extent of fully £20,000 in the metropolis, while the losses in sheep and other stock in the surrounding districts was estimated to have exceeded that amount. The portions of the city liable to these sudden invasions were too central and too valuable from a business point of view to be vacated, and there was a general impression abroad that such visitations were quite exceptional and could be made harmless by providing the river with a more direct access to the bay. Controversy over the best method of doing this raged hotly for many years, but the enormous outlay involved was a deterrent. The history of the final process by which the recurrence of floods ceased to be a terror belongs to a later period, when success was secured by an expenditure which the young colony would not have dared to contemplate.

There was, however, one day in 1851, when another and even more destructive element wrought such appalling havoc throughout the land that for a generation afterwards it could scarcely be spoken of without a shudder. The anniversary of the 6th of February, 1851, has been perpetuated in Australian almanacs under the name of "Black Thursday," a day whose lurid horrors have been chronicled by many writers and depicted by more than one painter. The summer had been one of exceptional heat and drought. The country from the Murray to the sea was brown with desiccated herbage, and forests charged with resinous matter baked to the verge of conflagration. It wanted but some slightly careless act of man to set in motion a devastating fury against which no human intervention could stand. It will probably never be known exactly how or where the fire or fires originated. The belief at the time was that it was started by the recklessness of some bullock drivers leaving an unextinguished camp fire at the foot of the Plenty Ranges. How great a matter a little fire kindleth is proverbial, but it seems almost incredible that this awful calamity could have sprung from one source with such inconceivable rapidity. It is true that the Plenty district appeared to have suffered most severely, but

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this may be ascribed to its being comparatively thickly settled; to scores of well-tilled farms and cheerful homesteads being changed in one short day into an area of charred desolation. But the raging flames almost simultaneously covered the country around Western-port Bay; through the giant forests of the Dandenongs, across the intervening hills round to Mount Macedon, over the baked plains of the Wimmera, and on to the farm homesteads that studded the Barrabool Hills, a roaring, tossing sea of fire licked up all before it. From the dense timber of the Black Forest the flames swept the Loddon district, crossed the Pyrenees and raged for six days through the Western district, carrying destruction and dismay right over the South Australian border to Mount Gambier. With the exception of one terrible holocaust, in which a settler on the Diamond Creek lost his wife and five children in addition to all his worldly possessions, the destruction of human life was far less than might have been expected. Only three or four deaths were reported at the time besides those above referred to, but some occurred from the after-effects of the shock, and a large number of people were maimed and injured by fire and exposure in a manner that affected them for life. When men saw the flames threatening to consume the produce of their long toil, many gallant efforts were made to beat them back, but it was soon apparent that before the roaring blast such attempts only tended to reduce the prospect of individual escape. Flight was the only chance, and even that on foot was a doubtful resource, for where the fuel was abundant the flames travelled at a rate that overtook and consumed the flying stock in their maddest gallop. Every horse that could be secured and mounted under such conditions of panic carried some distracted settler or his family at topmost speed towards some bald hill or other fancied point of refuge. Those who could not command such aid fled to the nearest creek or water hole, and plunging in passed long hours of agonised suspense while the fiery tide rolled over them. When at length it was safe to crawl forth from their sanctuary, it was to find homes, furniture, farm equipment, crops, barns and fences all disappeared, their live stock roasted or dispersed, and the hard battle of life to begin all over again. For practically there was no insurance in those days, and the dread

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visitation of Black Thursday brought many stalwart workers to the verge of ruin, and left a haunting sense of danger which drove numbers of the settlers into the town to labour at perhaps less congenial but also less risky avocations. The only considerable portion of the country which did not suffer was the interior of Gipps Land, where the plains had retained their green mantle and the rivers gave such an abundant water supply. But even here the black clouds of smoke from the surrounding ranges covered the land with a pall denser than a total eclipse, and greatly alarmed the settlers in the belief that some mysterious convulsion of Nature was about to overtake them.

In Melbourne the day opened with a scorching north wind and a cloudless sky. Under the influence of the fierce sirocco the city was soon enveloped in blinding dust and by eleven o'clock the thermometer marked 117° in the shade. By midday rolling volumes of smoke began to converge on the city, and out-door life became intolerable. The streets were almost deserted, a dull sense of suffocation oppressed even those who cowered in the coolest recesses of their homes and anxiously asked what it meant. Fortunately no fire broke out near the city, for had it once started, in all probability the whole place would have fallen. With the sunset came a change of wind to the south, and anxious crowds gathered towards nightfall on the summits of Batman's Hill and The Flagstaff reserve, to note with awe and wonder the red glare that marked the Dandenong Ranges and illuminated the whole northern horizon. The change in the wind relieved them from all fears for the city, but it was not until two or three days later that the extent of the devastation became even approximately known. The heaviest losses in stock fell upon the squatters, who, as a rule, were best able to bear them; but there were scores of cases of struggling farmers reduced to destitution, for whom the sympathies of the citizens went out, and a Relief Committee was promptly organised, which collected something over £3,000 to meet cases of urgent distress.

Bush fires, even on a large scale, have often been known in Victoria since, but the gradual clearing of the forests and the increasing extent of land under cultivation have tended materially

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to limit the areas affected. Experience, too, has taught the farmer how by judicious foresight he can protect both his homestead and his crops from such dangers. The recuperative power of Nature is great, and when, a year later, thousands of gold-seekers were toiling through the Black Forest on their way to the diggings, this vast area of charred trunks had already put forth a fresh display of leafage, and had almost succeeded in covering the traces of its fearsome contribution to the horrors of Black Thursday.

With the assumption of self-government in July, 1851—tentative, it is true, and only the inauguration of the machinery by which a working Constitution was to be created—the romantic era of the colony's existence came to a close. Thereafter its story is largely a record of conventional politics, of prosaic competition for place and power, and the arena in which many social, politico-economic and philosophical experiments have been made and abandoned. Within its comparatively limited territory there was no longer scope for the adventurous explorer, for the unfolding of fresh panoramas of Nature's beauties, such as enraptured Sir Thomas Mitchell. No further opportunity for the wild free life that could command the use of undefined areas for a peppercorn rental, and find delight in penetrating the secrets of a mysterious land, with a flora and a fauna all its own. The haunting dread of the lurking savage which had quickened the pulse in many a midnight vigil took the more prosaic form of a report to the nearest police station. The man who had risked everything to lord it over his solitary domain was soon to find himself jostled by a crowd of envious competitors, who thought they could put his acres to a more profitable use. As one of the early pioneers expressed himself in a letter to Mr. Latrobe in 1853:—

"It has often been a source of regret to me that all the charms attending the traversing of a new country must give way to the march of civilisation; the camp on the grassy sward is now superseded by the noisy road-side inn; the quart pot of tea by the bottle of ale. All the quiet serenity of an Australian bush, as we have known it, has yielded to the demands of population; and this, though a necessary change, is not the less to be regretted. I look back to those days as to some joyous scene of school-boy holiday."

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Necessarily the search for gold was not without its romantic aspect, but it had none of the calm self-reliance, the solitary vigils, the dependence on bush-craft and the strong right hand which carried the pioneers into the unknown. It was more like the scramble of an excited crowd, eager to get rich with a minimum of work, not by any means associated with the idea of steady industry, hard fare and severe thrift. The invasion of the gold-seekers from 1851 changed the character of the community altogether, for they and their followers soon outnumbered the original settlers and brought into prominence traits and characteristics of many nationalities, of which the Port Phillippians had hitherto had little experience. It was a turbid stream suddenly poured into a placid reservoir, and many years elapsed before the waters were again calm and the sediment satisfactorily deposited.

But, though trial and struggle awaited the new colony, it required no optimism to predict eventual success, for Victoria started on her career endowed with a landed estate worth untold millions, little of which had been alienated; and there was beneath its surface gold to the value of £250,000,000 waiting to gild her destiny. There was but one really important question. Had she the men possessing ability, resoluteness and integrity to guide her destinies aright, and would they be willing, under the spur of ambition, to waive considerations of their personal interest by devoting those qualities to the uplifting of the community?

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CHAPTER XIV.

THE FIRST LEGISLATIVE COUNCIL—THE MEN AND THEIR MEASURES.

It might naturally have been supposed that the approaching realisation of the desire of the Victorian colonists—the election by themselves of at least a dominant majority of their own Legislature—a privilege for which they had struggled for so many years, would have been a period of delirious excitement and joyful anticipation. Strange to say, so far from this being the case, politics almost ceased to charm. The meteoric meetings and the stirring oratory that had done so much to win separation were succeeded by a condition of torpor that approached absolute indifference.

A great disturbing factor had insinuated itself into the conditions and prospects of the colony. The discovery by Mr. Hargraves of rich deposits of gold at Bathurst occurred while the legal formalities of separation were in course of completion, and the news, which seemed to promise the mother-colony such an era of wealth and prosperity, had at first a depressing effect in Melbourne. People were not wanting who said that the Victorians had been too precipitate, that they had lost their share in the great fortune which had come to their late partner, and that while New South Wales would be attracting the enterprise of all the world Victoria would have to be contented with the slow progress which wool-growing and agriculture could command. And it seemed at first as though the croakers were justified, for a considerable exodus set in, and Melbourne was threatened with depopulation. While the small coasting craft bound to Sydney were overcrowded with passengers, a restless condition of nervous anxiety seized upon those who remained. Half-forgotten stories of alleged gold-finding in the Port

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Phillip district began to be revived, and reports that had been received a few months before with sneers and incredulity were suddenly stamped with the importance of a scientific demonstration. There is no doubt that alluvial gold had been found in trifling quantities in widely sundered localities. During the period from 1847 to 1850 there were several well-authenticated instances of small lots of gold having been brought into Melbourne, generally from some vaguely defined district, but certainly from the neighbourhood of the Pyrenees—from the Plenty Ranges and from the Loddon Valley. The revival of these old stories now, in the light of the Bathurst discoveries looking so much more like truth, created a widespread vagrant desire to go forth and dig. By the middle of 1851 there were dozens of small parties scouring the creeks and gullies about the Yarra, and scores of shepherds neglecting their flocks to prospect anything that appeared to them "likely country". Some action seemed necessary to bring the community back to settled industry; to ascertain whether the spreading excitement had reasonable ground for its existence, or to dissipate the day-dreams by showing the hopelessness of the quest. There was as yet no Parliament to take the initiative, but there were shrewd citizens who knew how to conduct a public meeting, and its value on public opinion. One was duly summoned to consider the situation, and on the 9th of June it appointed a committee of fifteen leading citizens, including such men as Nicholson, Westgarth, Greeves, O'Shanassy, Fawkner and McCombie, who promptly decided to offer a reward for the discovery of a profitable gold mine within 200 miles of Melbourne. In less than a month after the meeting the committee published the following announcement:—

"The committee appointed to promote the discovery of a goldfield in the Colony of Victoria have the satisfaction of announcing that unquestionable evidence has been adduced to them, showing the existence of gold, in a considerable quantity, both at the Deep Creek on the Yarra, near Major Newman's Run, and also at the Deep Creek on the Pyrenees, near Mr. Donald Cameron's house.

"William Nicholson, Mayor,

"Melbourne, 16th July, 1851."

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Many smiling faces read this placard on the Town Hall, and in the pride of possession they began to think less enviously of New South Wales. The tone of the local press was generally riotous with the exuberance of expectation. The brilliant future of this favoured land was painted in roseate tints. Leading articles reminded the colonists that in addition to the "almost unlimited pastoral country, and boundless tracts of rich agricultural land, which would support in peace and comfort countless multitudes of Britain's honest peasantry," they had now rich goldfields within their borders which would attract the adventurous manhood of all the world, and provide a tax-paying population that would ensure an overflowing exchequer! Meanwhile the exciting talk of rich finds, the daily rumours of mysterious visitors to Melbourne with small bags of the precious dust for sale, the secret conspiracies to find out whence they came, and the cunning schemes by which the lucky ones concealed their traces, pushed all other interests into the background. Hence, despite the long struggle for the boon of Parliamentary representations, there was no rush of candidates when the day of nomination approached. The clamour and excitement which ushers in a general election to-day were entirely wanting. No candidates, cap in hand, were soliciting votes, but rather, in the country districts at least, the requisitioning was all on the side of the electors, and it must be admitted that the majority of the members of the first Legislative Council were selected in a haphazard manner, and practically without competition. Melbourne was the only constituency that saw anything worthy the name of a contest. Seven candidates were nominated for three seats, and at the election on the 11th of September Mr. Wm. Westgarth headed the poll, with John O'Shanassy a good second, and James Stewart Johnston close up. The four who suffered defeat were William Nicholson, Mayor of Melbourne, John Hodgson, Augustus F. A. Greeves, and Captain George Ward Cole, each of whom succeeded in securing a seat in the Council when it was enlarged in 1853.

Mr. Westgarth had every claim to be recognised by his fellow citizens. Though at this time only thirty-six years of age, he had been for at least half a dozen years always to the front in public movements, and by speech and pen had most materially aided the separation

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and anti-transportation crusades. He had also the advantage of being already the chosen of Melbourne as its representative in the defunct New South Wales Council. He enjoyed the full confidence of the mercantile classes, but the trend of his sympathies was rather towards commerce than politics, and though he did good work while in the Council, and served on several important committees, he did not seek re-election after his term had expired. His services were no doubt of quite as much value to the citizens in his position as President of the Chamber of Commerce, which owed its existence to his efforts, and received his careful guidance in its earlier years.

John O'Shanassy, who polled only thirty-four votes less than Westgarth, was a very different type of man, and he left on the annals of the colony a more distinct impress of his individuality and capacity than any of his colleagues in that election. He arrived in Port Phillip in November, 1839, a youth of twenty-one, with a young wife, *en route* for Sydney, where he purposed joining some relatives. The Rev. Father Geoghegan, who was then the head and front of the Catholic body in Melbourne, persuaded him to remain, and he cast in his lot with the two-year-old town. He rented a small station a few miles south-east of Melbourne, and for a while lived hopefully upon the promise of increasing flocks and herds. But he had not had any experience of the business. The virulence of an Australian drought was a revelation to a man who was only familiar with Irish pastures. Scab and other troubles afflicted his stock, want of capital hampered his operations, and the financial troubles of 1843 found him encumbered with unsaleable assets and a steadily losing investment. He gave up the struggle, cleared off his stock and went into Melbourne with the full intention of returning to Ireland. But his wife, with more hopefulness, urged another trial in a different direction. After much pondering she decided to open a drapery store, which, under her constant supervision, soon became a commercial success. When the rush set in to the goldfields, a few years later, this modest venture of industry blossomed into a substantial fortune. O'Shanassy, by his tall commanding presence, his bluff good humour and rich Clonmel brogue, had acquired a considerable hold upon the affections of his countrymen in the colony, and they were then a sufficiently strong factor

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to return him to the Melbourne City Council, and later on to ensure his seat in the Legislature. The *Argus* opposed his election with persistent denunciation, and coupled him with J. P. Fawkner as a brace that must be kept out at all cost. But despite its vehemence the opposition was futile in both cases, and it must have been an unpleasant experience for Mr. J. S. Johnston to find himself lower on the poll than the man against whom his paper had launched its daily philippics. For at this time his name appeared on the imprint of the *Argus* as joint proprietor with Mr. Wilson. Mr. Johnston was a fairly fluent speaker, with rather a caustic tongue, which often ruffled the temper of opponents on the frequent occasions when he took part in public discussions. He owed his elections largely to the solidarity of the Scottish vote, but he had a fairly long Parliamentary career, and lived to serve as a Minister of the Crown under the Premiership of the denounced O'Shanassy.

Of the other seventeen elected members there is little to be said. Few of them remained permanently in politics, or distinguished themselves while there. John Thomas Smith, the oft-recurring Mayor of Melbourne, was returned for North Bourke; Henry Miller, an early colonist who had amassed considerable wealth by land dealing and money lending, represented South Bourke; Dr. J. F. Palmer, who had abandoned his profession for the more lucrative one of wine merchant, sat for Normanby; and J. P. Fawkner, posing as the father of the colony, looked after the interests of Talbot and its adjacent counties.

To the twenty chosen of the people, the Lieutenant-Governor proceeded to add the ten of whom the Crown had the right of nomination. The five official members constituting the Executive were: William Foster Stawell, Attorney-General; William Lonsdale, Colonial Secretary; Chas. Hotson Ebden, Auditor-General; Redmond Barry, Solicitor-General; Robert W. Pohlman, Master-in-Equity. The quota was completed by the appointment of five non-official members, three of whom were squatters, one a barrister, and one, William Clark Haines, a retired doctor engaged in farming.

The Executive was fairly strong, though its official leader in the Council, the Colonial Secretary, had not the resolute resourcefulness

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of his colleague, the Attorney-General, whose somewhat imperious manner soon dominated the Lieutenant-Governor and his other advisers. The general opinion that Captain Lonsdale was weak, and wanting in capacity, was tempered by the belief that his long experience of local affairs might be counted as a set-off, and it was almost impossible for Latrobe to disregard his seniority in the service of the Crown.

The Parliament thus elected was to continue for five years, unless earlier dissolved by the Governor, and its powers came very short of those conferred by later statutes. The ordinary revenue of the colony from taxation was at their disposal for public purposes, but they were prohibited from passing any law that should interfere with the sale or appropriation of the lands belonging to the Crown or any revenue derived therefrom. One-half of this was devoted to immigration, and what was called the unappropriated moiety was to be expended under the direction of the Executive on public works. The Executive, unlike the Ministerial Cabinet of later days, owed no responsibility to Parliament. There was nothing in the shape of party government, the ten nominees, as a rule, sat on the right of the Speaker, and the twenty elected faced them on the left. Whatever their want of confidence might have been in the Executive, there was no machinery by which they could remove them by its expression. Probably in the early stages this impossibility of raising the perpetual struggle between the ins and the outs was not without its advantages, for there was much to do, and above all there was much to learn as to the proper way of doing it. An analysis of the occupations of the first Council shows that out of the thirty members there were twelve squatters and landowners, six merchants, four members of the legal profession, two doctors, two newspaper proprietors, and four tradesmen or shopkeepers. On the whole they proved a good working body, and by no means deserved the ungenerous sneer which Dr. Lang printed in 1853: "The Legislative Council of Victoria is certainly a very paltry affair as yet. . . . In point of intelligence and general ability it is remarkably below the level of the first Legislative Council of New South Wales!"

The members were called together for business on the 11th of

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November, 1851, and were housed in a building known as St. Patrick's Hall in Bourke Street, the Legislative chamber being on the first floor and the Parliamentary offices below. The whole thirty were in attendance at the first meeting, and on the motion of Mr. Westgarth unanimously elected Dr. Palmer as their Speaker at a remuneration of £400 per annum. He had been Mayor of Melbourne, and also one of Port Phillip's representatives in the Sydney Council. Though not a man of any distinctive ability, he had a portly presence and dignified demeanour which seemed naturally to fit him for the position.

Only a few of the candidates had announced their views before election. There had been no exciting local questions afoot outside the Anti-transportation League, and the principal thing to which they had pledged themselves were some provisions for public education, active assistance to immigration and a generous expenditure on roads and bridges. Some had promised to secure more equitable electoral divisions, some advocated triennial Parliaments, and one at least was bent on early abolition of the nominee system and a fully elected House. But there were so many distracting surroundings owing to the disorganisation of the Civil Service, the police and the labour market by the gold fever, that they saw little chance of redeeming their promises. The first session lasted only eight weeks, and was largely occupied in getting the necessary forms of the House into order, and in calling for and digesting numerous returns bearing upon population, police, goldfields and revenue; and in condemning the unneighbourly attitude of the Governor of Van Diemen's Land. They passed, however, fifteen short Acts, mostly machinery bills, or adaptations of New South Wales law, the most important being the Act establishing the local judicature. On the 6th of January, 1852, the Council adjourned and did not meet again until June. The six months' rest which the legislators were permitted to enjoy was a period of intense anxiety and strain to the Lieutenant-Governor. His administrative staff, inadequate even at the outset, and with nearly everything to learn, was being rapidly depleted by resignations and desertion. In vain he sought to cajole them with promises of largely increased, even doubled, salaries, and equally in vain; he threatened that no civil

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servant then resigning should ever be eligible for further employment by the State. They went by the score, some honestly resigning, many not troubling about that formality, and the work of the Departments was plunged into a confusion of arrears which were really never overtaken. Meanwhile Mr. Latrobe saw an expenditure increasing daily in a manner that defied all estimates, and in the belief that he might not use the income from the gold licences to meet the growing outlay without the sanction of the Home Government, he soon found himself looking an ugly deficit in the face. Following the lead of New South Wales, he had in August, 1851, fixed the licence fee for every gold digger at 30s. per month, but his Executive held that this source of income was really based upon the use of Crown lands, and, like the proceeds of the pastoral licences, lay outside the control of the Council for general purposes. So far as it was required for the direct management of the goldfields, it could of course be used to meet the cost of Commissioners, survey of claims and other charges immediately connected therewith. For such limited use the fund was more than ample; so when it was sought to charge the general revenue with the increased cost of the Civil Service, and other expenses developing in all directions as an indirect result of the gold mining, the Legislative Council formally refused "to vote from the general revenue any additional expenditure caused by the discovery of gold". Money was urgently required. To increase the revenue through the Customs was a work of time, and could not be done without the concurrence of the Council. The land revenue was ear-marked by the Constitution. Mr. Latrobe thought that he might at least temporarily draw upon the gold fund until supplies were legally available. And the time seemed to him opportune for largely increasing this convenient income, and he found three good reasons for suggesting that the licence fee should be doubled by raising it to £3 per month. It must be presumed that he consulted his Attorney-General before coming to this conclusion, and it is somewhat surprising that the reasons should have found acceptance with a man like Mr. Stawell. Firstly, he was of opinion that the fee was a totally disproportionate contribution to the public revenue compared with the amount of private gain. Secondly, the Legis-

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lative Council declined to sanction the expenditure of any portion of the revenue under their control for services consequent on the discovery of gold. Thirdly, he wished to place some additional impediments in the way of persons flocking to the goldfields who were neither in a position nor of a character to prosecute the search with much advantage to themselves or the public. If these reasons satisfied the Executive, which is very doubtful, the popular verdict condemned them all; the press unanimously derided the feeble attempt to arrest the rush to a centre of attraction to which thousands were already on their way from all parts of the world, and the diggers, taking their tone from the daily papers, raised a perfect tornado of opposition and defiantly refused to pay. Mr. Latrobe could not stand against the unmistakable demonstrations, and he felt compelled to withdraw the proclamation lest it should result in a general insurrection. For if it came to fighting he was practically helpless. The country was being overrun with adventurers, many of them of questionable antecedents in New South Wales and Van Diemen's Land, for the main stream of the diggers from the motherland had hardly yet commenced. Fully half of the police force had deserted. On New Year's Day, 1852, out of forty constables in the city only two remained on duty after midnight. No one would volunteer to fill the vacancies, and an application to Sydney for a few extra soldiers was grudgingly and inadequately met. In desperation he appealed to the Secretary of State, who promptly promised to send him a whole regiment from England. In the meanwhile, after much pressure, he got some little assistance from the Governor of Van Diemen's Land, who spared him 130 pensioners, men habituated to the duty of prison warders, and with these, though they proved both costly and inefficient, he managed to keep up some show of order and authority until the military arrived.

The defection of the police was unfortunately coincident with a great increase of crime. Highway robberies and outrages on the roads to the goldfields were of frequent occurrence, and when their baleful effects spread to Melbourne and suburbs, the citizens recognised that an undesirable element of population had taken root amongst them. The settlers of a peaceful pastoral time, whose traditions had been

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opposed even to the locking of the front door at night, were scared into combination for their personal safety. The Anti-transportation League revived its crusade. They indignantly denounced the British Government for continuing to send convicts to Tasmania, and they still more vehemently upbraided the Governor of that colony for divesting himself of his undesirable subjects, by an unreasonable readiness to issue tickets-of-leave and conditional pardons to the felonry of the island. The convictions that followed upon these outrages proved beyond doubt that they were nearly all committed by criminals who had escaped from Tasmania, or had been injudiciously manumitted without sufficient evidence of their amendment. When Mr. Justice Barry, who had been elevated to the bench in January, 1852, opened the first Criminal Sessions at Castlemaine, he dwelt strongly on this point, alleging that the greater portion of the crime in the colony was directly traceable to this source, and stated that no less than sixty-six persons who were manumitted convicts had been found guilty in Victorian Courts in the short space of three months. A gang of these scoundrels, five in number, actually took possession of the St. Kilda Road, and for some hours robbed every person passing, almost within sight of the city. One of the victims on horseback made a dash past them, and, with a bullet in his leg, carried the alarm into town. The ruffians then levanted with a considerable booty, leaving some twenty people tied up to trees, and none of them were apprehended.

But the greatest shock to the community was experienced on the 2nd of April. Before daybreak on that morning two whale-boats, containing twenty-two armed men, put off from Sandridge beach, and quietly boarded the barque *Nelson* lying at anchor off Williamstown, ready to sail for London. She had in freight some 8,000 oz. of gold, valued at over £30,000, but apparently no special watch was kept, and the captain was taking a night off on shore. There were only seven hands altogether aboard the ship and the robbers promptly secured three in the forecastle without resistance, but when they entered the cabin where the mate and carpenter were asleep, the former showed fight, and was wounded by a pistol shot. The crew overpowered and bound, the ruffians proceeded to minimise the chance of pursuit by throwing overboard all the small

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arms and ammunition, and the two swivel guns on the poop. Then they forced the lazarette, removed all the boxes of gold into their boats, and compelled the crew to occupy its vacated place, carefully battening them down, and calmly rowed away with their prize. The audacity of this outrage can be better imagined when it is stated that there were over forty ships at anchor in the bay, many of them within easy hail of the *Nelson*, and a depôt of the water police and Customs officers within pistol shot. It chanced that there was one sailor on board the *Nelson* who was awake and had his wits about him. When he saw a crowd of armed men with blackened faces hoisting themselves on board, he scented mischief and promptly concealed himself under a boat. No doubt he quaked when he heard firearms and struggling, but he lay still, and when the gang finally departed he was able to release his comrades, who would otherwise have had a foretaste of suffocation. As soon as the mate was released, he went ashore to Williamstown, and by sunrise the bay was alive with police and Customs boats, aided by a contingent of volunteers from other ships, seeking for the track of the pirates. All they found was the derelict whale-boats; one on the beach at Williamstown, the other afloat off St. Kilda, which at first fathered the idea that the gang had divided their plunder and separated. The subsequent discovery of the tracks of a heavily laden dray on the St. Kilda beach led to the country around there being scoured by the mounted police, only to find themselves baffled. Only four out of the twenty-two were ever convicted for this offence, and these were not caught for some time. They volunteered the statement that they had sold all the plunder to a well-known gold buyer in the city for 30s. an oz., but before the trial came on the alleged buyer had gone to England, and did not return to the colony. Large rewards were offered for the conviction of these pirates, both by the Government and by the agents of the *Nelson*, but the people clamoured for prevention of the possibility of such deeds rather than for their punishment, and the Anti-transportation League was invoked to take action. Under its auspices a public meeting was held the day after the robbery, at which vigorous speeches were made by the Mayor and several members of the Legislative Council. They

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demanded increased police protection, a guard ship for Hobson's Bay, and other palliative measures. But above all things they insisted on some drastic measures being taken to cut off these tainted accessions to the population. A Committee was appointed to suggest the necessary legislation, on which Mr. Westgarth and Mr. Wm. Kerr, the founder of the *Argus*, served. The latter drafted the statute known as the "Convicts' Prevention Act," but it went so far beyond what its title indicated that the Attorney-General strove hard to modify its form. But the public insistence showed its effect on the Council, and the elective members were solid in their antagonism to the Executive. Looking at the Act now, under peaceful conditions, it certainly seems an extreme measure, and undoubtedly violated some of the principles of British law. It decreed that no holder of a conditional pardon could be admitted to Victoria; but it did not stop there. It provided that all persons arriving from Van Diemen's Land must prove their absolute freedom to the satisfaction of the authorities, or they would be assumed to be convicts and be punished accordingly. Under these conditions it was possible to do great injustice, and proof was not wanting afterwards that in some cases perfectly free men had been put to work on the roads for twelve months, because the evidence of their freedom was not forthcoming. But the colonists were faced with alarming conditions, and neither the public nor the Council would abate one jot of their demands. Mr. Latrobe, who lived in a continual dread of violence and anarchy, did not resist the measure, and after having formally consented to it he wrote a long and excusatory despatch to the Secretary of State. In this he regretted that the zeal and haste of the framers of the Bill had induced them to overlook many salient principles of constitutional liberty, yet the evils sought to be redressed were compromising to a large extent the maintenance of public order and the security of property, and as he thought it highly desirable for the Government to show every disposition to co-operate heartily with the colonists, he had felt it his duty, under all the circumstances, to yield the Royal assent. He probably anticipated a hostile reception, for he amplified his reasons with considerable criminal statistics, and announced that the duration of the Act was limited to two years. But he certainly

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overstated his case when he said, "It professes to deal with a class, and with that class only, which has not only already violated positive enactments, but abused the indulgence extended to them". Nor was he quite justified in advising that the Royal prerogative of mercy had been saved.

The Duke of Newcastle, who then had charge of the Colonial Department, did not need the vehement protest he received from Sir Wm. Denison against the vindictive character of the Act to decide that it was inconsistent with the general principles of British legislation, and distinctly invaded the undoubted prerogative of the Crown. In a despatch dated 30th April, 1853, he pointed out that a person possessing a conditional pardon was a free British subject, who could not be rendered liable to the severity of provisions properly directed against convicts who had broken loose from their lawful restraint. In no case could such a person's presence in the colony be evidence of his having "abused the indulgence extended to him". Grave objection was taken to the sections making master mariners responsible for the character of their passengers; and the power of committal on mere suspicion, which might under certain conditions involve imprisonment for life, could not be justified under any circumstances. Finally, the proposal to give to informers half the property forfeited under the Act was held to be most objectionable as tending to stimulate unfounded accusations in a country where large sums of money were often in possession of an inferior class, ill able to defend themselves against such charges falsely made. For these and other reasons he could not but recommend the disallowance of the Act, especially as the Royal assent had already been refused to ordinances of a somewhat similar character introduced in the Parliament of New South Wales and South Australia. To minimise the difficulty which might arise from interrupting the regular course of police control, the Minister suggested the introduction of a fresh Bill in the Council, with the objectionable clauses expunged, and authorised Mr. Latrobe to hold over the formal disallowance until the new measure was passed. The local Executive took the matter in hand with every desire to give effect to the views of the Secretary of State. In the meanwhile the

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Legislative Council had increased their numbers by sixteen elective and eight nominee members, and they met for their third session in August, 1853. On the 31st of that month Mr. Latrobe sent down the Bill his advisers had concocted, but the enlarged Council was even more hostile to the Government than the first had been—they insisted on the restoration of all the old clauses, and added others still more stringent. Any person who had been convicted of felony was liable to punishment if found in Victoria within three years of the completion of his sentence. Only one elective member supported the Executive, and he was balanced by one of the official members going over to the opposition. There was no possibility of altering the issue and Mr. Latrobe reserved the Bill for the Royal pleasure, and said nothing about the disallowance of the original measure, which therefore remained in force. But before it came to the final struggle Mr. Latrobe had sent home his resignation, and the settlement of the question passed into other hands. It may be concluded here in anticipation. When Sir Charles Hotham was leaving England, the Duke of Newcastle pressed him to use his best endeavours to induce the Legislative Council to amend the Act in conformity with the wishes of the Crown. Sir George Grey, who assumed the office of Colonial Minister soon afterwards, directed him in June, 1854, to release any offenders who had been illegally imprisoned under an Act to which Her Majesty had not consented. The publication of these instructions aroused intense feeling, and at a public meeting held in Melbourne a petition was adopted to the Council which contained passages amounting practically to defiance, *e.g.*:—

"That your petitioners emphatically protest that the Sovereign of the British realms, neither hath, nor ought to have, any right, prerogative, or power, warranting the letting loose in the colony of Victoria of the convicted criminals of other countries or colonies.

"That your petitioners feel that the carrying out of Sir George Grey's suggestions will render the Royal prerogative odious to the colonists, and will seriously endanger the connection existing between this colony and the parent state."

It wound up by praying the Council to reject the modified Bill which the Governor favoured and to re-enact the original measure

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with such additional clauses as might be necessary to render it more effective. It was done. On the 16th of November it was carried by a large majority, and Sir Chas. Hotham, unwilling to accentuate the difficulties by which he was surrounded on the eve of the outbreak at Ballaarat, considered it wise to placate public opinion, and gave his formal assent to the measure for one year.

The Home Government, harassed and distressed at this time with the disasters in the Crimea, no longer offered active opposition, and the Act remained on the statute book of Victoria as an illustration that sometimes the claims of personal safety may outweigh the principles of abstract justice.

But if the defiant attitude of the colonists in the matter of the convicts placed the Lieutenant-Governor in the unpleasant position of a buffer between them and his Imperial employers, he had a still more difficult and harassing task in honestly seeking to harmonise the legal and equitable claims of the squatters with the changed conditions which the advent of the mining population brought about. In this case the fiercely contending parties were on the spot, and he was called upon to administer contradictory regulations under an ill-defined Act, and to decide questions of momentous issue to individuals, from which the most learned judge in equity might have asked to be excused. The conditions of pastoral tenure under the Imperial Ordinance of 1846 have been described in Chapter IX., and there can be no doubt that they were fairly applicable to the condition of the colony at the time, and gave a reasonable security for the investment of capital in an industry that was undoubtedly the mainstay of the settlement. They proved, however, under the suddenly altered conditions of population, a source of protracted political controversy, and stirred up a class hatred which gave to some of the subsequent legislation a suspicion of injustice and engendered much pitiful quibbling with the letter of the law when it ran counter to the manifest spirit. The crux of the controversy rested mainly on the right of pre-emption, reserved to the holders of leases in the intermediate and unsettled districts by the Order in Council of March, 1847.

The boundary of runs had been originally defined with a generous vagueness, but before leases could be issued surveys were necessary.

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When the Order in Council was proclaimed the squatters were allowed some nine months to send in their applications, and by the 30th of June, 1848, no less than 826 leases had been demanded. When these were gazetted the trouble began. About one-fifth of the claims were disputed, and 158 caveats were lodged under the provisions of a "Disputed Boundaries Act" then just passed. These were referred to the Crown Lands Commissioners for adjustment, but so tedious was the process that more than two years elapsed before they had all been dealt with. It was the end of 1850 before the final confirmation of the leases was announced, but that was a very long way short of obtaining the coveted deed. The applications, after approval, were referred back to the Commissioners for exact definition of boundaries by actual survey. This would have occupied many years with the ordinary staff of the Survey Department, so a number of outsiders, contract surveyors, were taken on at a charge of £2 per mile. The squatters foolishly resisted this charge as extravagant and refused to pay. To prevent a block the Government, with reckless haste, reduced the rate to 10s. per mile. Then the surveyors struck and refused to work for such admittedly inadequate pay. No good genius was at hand to work a compromise; the Government made a feeble attempt to carry on the business with its own limited staff, and before any real progress had been made the Survey Department, like the rest of the service, succumbed to an acute attack of the gold mania, and three-fourths of the runs remained unsurveyed. With the diggers came new conditions, and the squatter who had hitherto been very indifferent about the leases, and had rather regarded his right of pre-emption at £1 an acre as a sample of irony, suddenly became loud in his clamour for the rights to which he was entitled under Her Majesty's regulations.

Meanwhile several squatters, regarding their *applications* for leases as an equivalent to having them, complicated matters by selling stations with rights of pre-emption, which, though certainly implied, had as yet no legal existence. Conflict had arisen with pastoral tenants upon whose runs the Government had proposed to sell land, but who claimed that it could only be sold to them under the terms of the lease to which they were entitled. The

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Government wavered, were bullied into withdrawing notices of sales more than once, and tried to find a solution in counsel's opinion. But definitiveness and unanimity that might have strengthened the Governor's hands were not thus to be found. At first, the law officers of the Crown in New South Wales gave an opinion (3rd January, 1848) that the Government had the power to sell the land despite the protests of the pastoral tenant. Later on (October, 1850), when a contested sale was about to be enforced, the same authorities advised that such sale would not be in accordance with the spirit of the Order in Council. As separation was just then imminent, Mr. Latrobe decided to hold his hand until his own law officers were appointed. In July, 1851, when the conflicting interests were becoming acute, Messrs. Stawell and Barry advised him that while the Crown could reserve from lease and sell, unaffected by any claim of pre-emption, sites for towns, and such adjacent lands as might be required for the formation and maintenance of such towns, yet the Governor would not be justified in reserving for sale land in the squatting districts with a view to meeting the *prospective wants of the community*. The question was practically left unanswered, and its discussion continued for many years to provide fat fees for distinguished counsel, both in the colony and in Great Britain. Though a wide diversity of opinion resulted, the preponderance was decidedly in favour of the squatters, though not conceding all they contended for. The congested state of Government business blocked the issue of the leases, which were never completed. The applicants clamoured for them, and the new-comers who had money, and wanted land, clamoured even more loudly against what they denounced as an unjustifiable monopoly. The vehemence with which the Crown tenants demanded their legal rights, or an equivalent compensation, provoked their opponents into an ungenerous denial of any relief. The most eminent counsel in England, Sir Roundell Palmer, gave an emphatic opinion that the squatters were justified in their claims, but he could advise no way of enforcing them if the representative of the Crown denied them.

Mr. Latrobe was between two fires. He was jealous for the honour of his Sovereign's pledged word, though he saw clearly that it had been given under a misapprehension of the surroundings,

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and that unanticipated conditions had rendered the carrying out of its intentions almost impossible. On the other hand, he was honestly desirous of meeting the wishes of the thousands of immigrants who desired to invest their rapidly acquired wealth in some permanent form that would attach them to the colony. But his conscientious hesitation offended both parties. In the Legislative Council the views of the squatters predominated, and the Executive, backed by a majority of two to one, urged Latrobe to push on with the leases, and to resist the public demand. The dominant personality of the Attorney-General was too much for him, but while he hesitated to do anything that would strengthen the position of the squatters, he found himself grossly assailed by the press as the subservient tool of the pastoral interest. For the papers generally, and the *Argus* in particular, took up the cry of what they deemed the unrepresented public, though no Legislature could have half so fiercely championed their cause. Day after day the harassed Governor, who had officially declared that the public requirements were sought to be made subservient to the private interests of individuals, was plainly accused of corruptly conspiring with the squatters to deprive the people of their rights. It was doubtless unpleasant enough to bear the complainings of the members of the Legislature, and to have to dissent from the views of the Executive; but it was degrading to the position he occupied to be made the target of unmerited abuse and coarse ridicule, because he would not take an extreme step, which he was formally advised would be in defiance of the laws he had been appointed to carry out. Needless to say that the landless claimants and their press supporters suggested a score of ways by which the Governor could drive the proverbial coach and four through the Acts and Orders. It was pointed out with tedious iteration that the regulations were mostly permissive, not mandatory, and that much was left to the Governor's own discretion. He could extend the boundaries of the settled districts so as to take in three-fourths of the colony, leaving only the remotest fringe subject to fourteen-year leases. He was not compelled to give leases for that term, it was only named as the limit, there was nothing to prevent him making them fourteen days. The claims of the squatter to pre-emption could only be

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advanced if the Crown proposed to sell the land, but the Crown was under no obligation to do so, and in the meantime it could rack-rent him out of existence. Finally, the Governor could, if he chose, despite the advice of his Crown law officers, fall back on the all-embracing powers of Sec. 9, cap. 2, of the Order in Council, which authorised the sale of lands, under squatting leases, for specific purposes, "or for otherwise facilitating the improvement and settlement of the colony".

These and a dozen other suggestions were scattered broadcast day by day. The Governor was accused of driving capital and desirable settlers out of the colony, and he was menaced with a warning of the consequences of provoking an open revolt against his mal-administration. In July, 1852, the Council re-assembled, and on the 28th a motion was submitted for an address to the Governor, urging him to obtain an extension of the settled districts so as to embrace the goldfields, the object being to reduce the pastoral holdings therein to a yearly tenancy, and to enable sales to be pushed. It failed to find acceptance, despite the fervid appeals of Fawkner and the support of O'Shanassy. Mr. William Rutledge, a squatting member, who already owned one of the large "special surveys," moved in opposition a resolution that the leases be immediately issued to the Crown tenants, which was carried by two votes to one. The defeated minority were not convinced or silenced, but seeing little hope of carrying their views in ordinary course they resorted to negotiation. Doubtless, too, the dominant faction wavered a little under outside pressure and journalistic warnings. A few weeks later a kind of truce had been patched up, and the Council passed without a division an address to the Governor urging him to withhold the granting of all lands to persons claiming under the Order in Council, except for homesteads or such quantity of land as to his Excellency might appear proper in each particular case, until the matter should have been brought under the notice of Her Majesty in Council. The proposed delay was a vision of peace to Mr. Latrobe, and he hastened to say that as a long time must elapse before the leases could issue, he would submit the views of the Council to the Home Government. He would meantime concede to the squatters the privilege of purchasing their homestead sections,

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proceed with the formation of reserves, and, lastly, would cause such portions of these reserves as might clearly be required for the public and for the general advantage of the colony to be brought into the market without being subject to the pre-emptive rights. On the 3rd of September he addressed the Secretary of State in a despatch that, with its appendices, fills sixty-four pages of close print in the Votes and Proceedings of the Victorian Legislative Council. It was the fashion of the day to sneer at everything the Governor did, and his critics declared that he gave an exhaustive history of the land laws, without suggesting any solution of the pressing difficulties menacing the future of the colony. It was a very unjust comment. It is true he reviewed very fully all that had been done, and cited numerous individual claims that had been dealt with by the Executive, dwelling on the conflicting legal advice he had received. But he emphasised his opinion that the large rights of pre-emption accorded by the Orders in Council were neither called for nor justifiable, and that the pastoral tenants had neither asked for nor expected them. Before the discovery of gold they would have promptly rejected the idea of pre-empting at £1 per acre, and looked upon it as a prohibitory rate that ensured their tenancy being undisturbed. But now that the question had assumed such importance, it was natural, under the temptation of great monetary gain, that they should take strong views about it and assert their supposed rights. A mistake had been made in the original concession, for which the local administration was not responsible. That being so, it was necessary to consider the question of compensation, for whatever amount that might involve; it would be better to face it than to lock up the bulk of the colony's landed resources in a few hands for great individual benefit and greater public loss. He advised, therefore, an amendment of the Orders in Council, abolishing the right of pre-emption except for homestead sections, and the adoption forthwith of sale by auction of all Crown lands. By the time this despatch got to Downing Street there had been a change of ministry, and the Duke of Newcastle reigned in the Colonial Office. He was reluctant to take up a question that he knew nothing about, and apparently regarded as unimportant. He allowed the despatch to remain unanswered for

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ten months, and then, in November, 1853, wrote to say that he thought it would have been better if the dispute had been settled locally, without reference to him. He professed not to know enough to enable him to form an opinion, said the Orders in Council were *not intended* to give the squatters any advantage over other persons in purchasing land, except to the very limited extent necessary for personal accommodation—certainly not to enable them to become speculators in land, or to stand in the way of the development of general population and industry. If they did, and had conferred vested rights beyond what was intended, the vested rights would have to give way, subject to such compensation as it might be practicable to give. But before resorting to compensation, the Duke proceeds to suggest certain equivocal courses by which the squatters might be coerced or cajoled into accepting what they could get in place of what they claimed. They were much on a par with those which had been suggested by Fawkner and his press supporters, and not such as would be tolerated between honourable business men. The Duke was not prepared to take Mr. Latrobe's advice. He would not recommend Her Majesty to amend the now patent errors of the original Order in Council, but he promised to obtain fresh orders empowering the alteration of the limits of districts and substituting a discretionary assessment of stock in lieu of rent. He secured the latter, and presumably thinking it would give the Governor the whip-hand of the squatters, he took no further steps in respect of the former.

But as a matter of fact the long delays and negotiations brought the matter up to the eve of the inauguration of real responsible government, and the Secretary for the Colonies was only too thankful to pass on the final settlement to the local Parliament. Aggrieved remonstrances, protests and petitions continued for a time to be poured in, but the Government exercised its power of sale where the exigencies of population required it, and though no leases were issued, legislative interference with the runs as a whole was postponed until the full fourteen years of the famous Order in Council, 1847, had elapsed. Up to the end of 1854, the total area of land alienated to squatters under pre-emption claims was roundly 300,000 acres, for which £308,600 was paid. The maximum area

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on any one station was 640 acres. These figures are not very important, out of the colony's area of 56,000,000 acres. It was probably what was aimed at rather than what was secured that roused the public antagonism.

If the squatters did not secure the unreasonable privileges which the Privy Council unintentionally conferred upon them, the invasion of their runs was more than compensated for by the creation of a local market for all the stock they could spare, and an increase of prices beyond their most sanguine expectations. Some few of them on the goldfields, and some in the oldest settled districts, suffered deprivation and loss, as was inevitable; but on the whole the change brought far greater profit than loss, and scores of men who in 1850 had found hard work and rigid economy necessary conditions of life, now developed into a kind of territorial aristocracy, often rather too ostentatious in displaying the power of the purse. They had undoubtedly been enterprising and useful colonists, to whose industry the country owed its substantial prosperity, but as the area of Victoria was comparatively limited they were destined to receive at the hands of the gold-attracted immigrants the treatment which they had themselves accorded to the aborigines. If it had once been thought wrong to reserve thousands of acres for the hunting grounds of a handful of blacks, it was now considered equally wrong that many square miles should be patrolled by a few shepherds, instead of being dotted with a score of cottage homes, covering happy families, and surrounded by waving corn fields. Though the press and the people combined to make common cause against the squatters, they were by no means an insignificant body, for at the date of the proclamation of the New Constitution there were upwards of a thousand licensed runs in the colony carrying nearly 5,000,000 sheep and 53,000 head of cattle, from which the Government derived a revenue of £70,000 a year.

Perhaps it was some recognition of this importance that led the Legislative Council in November, 1854, to appoint a Royal Commission to inquire and report upon the whole question of squatting tenure. The Governor's message described them as "gentlemen of high standing, and representing all shades of opinion," a combination that unhappily made their labours futile. After many

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months of deliberation, the eleven Commissioners submitted a report which was only signed by three unconditionally. Seven others signed subject to four different protests, and one who refused to sign at all stigmatised the document as "subtle, insidious and one-sided". The report made no attempt to reconcile conflicting interests of vast importance to the community. By regarding the question from a narrow legal standpoint rather than from that of the statesman, it ignored the principle of compensation, emphasised the discretionary power of the Governor, and practically reduced the rights of the Crown tenant to a mere nullity. In one of the attached protests signed by Dr. Palmer, the Speaker, it is estimated that carrying out the recommendations of the Commission would involve depreciation of individual properties to the extent of £470,000. But they were not carried out at the time, though the report formed a basis of future land legislation, when the Parliament under the New Constitution took the matter in hand. For, in the last session of the Legislative Council, the Governor laid before it an Act of the British Parliament repealing the Land Act of 1842, and thus handing over to the colonists, through their representatives, the absolute control of their grand domain.

On the 7th of September, 1852, a despatch from Sir John Packington was laid before the Council advising the surrender by the Home Government of the entire revenue derivable from gold mining, upon the bare condition that henceforth the Council would be responsible for the maintenance of law and order on the gold-fields. This was a wise and telling concession on the part of Lord Derby's Cabinet. Combined, as it was, with a transfer from the Executive to the Legislative Council of the expenditure of that portion of the land fund not specially hypothecated to immigration, it placed the Council in an exceedingly good humour, and it formally passed a gushing expression of thanks for the favour shown. By so generously providing for ways and means, the bickering and snappish attitude which the House had so frequently evinced towards the Executive was, for the time being, removed.

The efforts of this single-chamber Parliament were brought to bear on many matters of importance to the community during the four years of its existence. Not always very wisely or successfully,

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for members were somewhat inflated with the prodigious growth of the revenue, the unprecedented yields of the gold mines, and the optimistic views of the future which such novel conditions stimulated. An indication of their self-complacent enthusiasm may be found in a formal address which the Council adopted in September, 1853, begging Her Majesty to take into consideration the eligibility of the Colony of Victoria to be constituted the seat of supreme government in Australia. The Duke of Newcastle replied that Her Majesty was greatly pleased and interested in the marvellous progress of the district bearing her name, but he could not recommend her to fix any central seat of authority in the Australian colonies at present.

The Council grew in numbers in accordance with the increase of population, though the local allotment of representatives was far from satisfying the diggers, who were fast overtaking the number of the original settlers. In 1853 sixteen new members were elected, of whom nine were given to existing country constituencies and seven to towns, the Metropolis gaining three more members. To these the Government added eight nominees, as provided by the Act. In 1855 eight new members were elected, representing goldfield constituencies, and four more nominees were added, bringing the total strength of the Chamber up to sixty-six.

The most important work they had to consider was undoubtedly the adaptation of their inchoate Constitution to the widely altered conditions and greatly extended requirements of the colony. A good deal of fault-finding with the limited powers which the Council possessed had been voiced by Mr. Fawkner and other independent members. But their suggested improvements met with very cold response. It was not until the opening of the third session on the last day of August, 1853, that the matter came impressively before the House in the Lieutenant-Governor's speech. Mr. Latrobe presented a despatch from Sir John Packington, which practically invited Victoria to frame a Constitution to suit herself and submit it for Her Majesty's approval. The debating power of the Chamber had been greatly increased by the recent extensions, and there had been changes in the Executive which made for strength. Captain Lonsdale, the Colonial Secretary, had retired

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and been succeeded by Mr. Leslie Fitzgerald Foster. This gentleman, who was an early colonist, had recently been on a visit to England, where, through his influence with the Colonial Office, he had secured the appointment of Colonial Secretary, and he came with strong recommendations to Mr. Latrobe. He was a cousin of Mr. Stawell, the Attorney-General, a graduate of Trinity College, Dublin, and the descendant of a line of ancestors celebrated in the legal profession. On the 1st of September Mr. Foster, in a very able speech, invited the Council to consider the necessity of changing the Constitution by the creation of a Parliament of two Chambers, both entirely elective. He explained that he did not adopt the usual course of submitting a Bill drafted by the Executive, because it was of the utmost consequence to the future peace and well-being of the country that this most important measure should command the acquiescence of the whole community, and this would be best assured by the Government consulting the voice of the people through their representatives in the matter. Without elaborating his speech with too much detail, he reviewed forcibly the arguments in favour of the double Chamber and the claims of election against nomination. He concluded by moving the appointment of a Select Committee to consider and report upon the best form of Constitution for the colony. The Committee, appointed by ballot, consisted of the Colonial Secretary, the Attorney-General, the Auditor-General, the Speaker and eight private members. Of the latter, probably the most capable were John O'Shanassy, Henry Miller, Dr. A. F. A. Greeves and William Nicholson. It was a subject of some comment at the time that the irreconcilable Fawkner was excluded from their counsels. The Committee set to work vigorously, and on the 9th of December they brought up their draft Bill, which was ordered to be read a first time on the 15th *idem.* Mr. Foster introduced it in a very carefully prepared speech, and then moved that the second reading should be postponed until after the Christmas recess to give the general public time to indicate their approval or dissent. But notwithstanding the fact that after the Act was duly passed many serious defects were charged against it and many clamorous protests organised, the public of that Christmas was distinctly apathetic. No meetings

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were held, and the only sign of disapprobation came from some of the Nonconformist Churches, who sent in a huge petition protesting against the proposed increase of the State aid to religion to £50,000. On the 18th of January, 1854, the discussion on the second reading commenced. It extended over four sittings, and concluded with the committal of the Bill on the 25th of January. The Colonial Secretary and the Attorney-General were supported by two new official members—Mr. Andrew Clarke, Surveyor-General, and Mr. H. C. E. Childers, Collector of Customs. No less than fifteen unofficial members addressed the House at length, but the only point of difference centred round the method of creating the Upper House. The advocates of the nominee system were in the minority, and a proposition by Dr. Greeves that the Upper House should be selected by the members of the Assembly found no supporters. When the Bill got into Committee there was a great deal more talk and many tedious postponements of clauses. But it emerged triumphant, and was finally passed on the 24th of March very much in the form in which it had been drafted by Mr. Stawell. The only alteration of importance was the reduction of the qualification of members for the Upper House from £10,000, or £1,000 a year, to half that amount. Although the Constitution Act of 1850 had given the Council almost absolute freedom to amend or alter the form of Government, there were some provisions, chiefly in connection with the Royal prerogative, in this newly completed Constitution which necessitated its being forwarded to England for the Royal assent. It reached London on the 31st of May, just too late to be dealt with by the Parliament then in session. The Victorians were impatient and annoyed, for many troublesome problems connected with the revenue, the Civil Service, and the half-revolted diggers were waiting the creation of the new tribunal for their settlement. On the 14th of November the Council addressed a strong remonstrance to the Colonial Office protesting against further delay, and urging that the interests of Victoria should not be sacrificed to the apparent desire of the Home Government to bring the Australian Colonies into line.

The progress of the Bill through the British Parliament did not stir much interest there. Strange to say, the only opposition to it

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worthy the name came from Robert Lowe, formerly in the Sydney Council, whose captious fault-finding, as reported in the debates, seems unworthy of the occasion, and especially paltry for a man with such wide colonial experience. The Nonconformist opposition to the State aid to religion, started in Melbourne, had been passed on to the House of Commons, and the proposed grant was resisted by an active but small minority. But the measure was in the hands of a strong Ministry; it emerged triumphantly from the Committee, and passed the third reading without debate. Finally the New Constitution was proclaimed in Victoria on the 23rd of November, 1855, a day which for forty years after took its place amongst the public and bank holidays of the colony.

It may be well to briefly summarise here the most important points in the New Constitution to facilitate reference when considering the many changes which were afterwards deemed necessary. The Parliament was to consist of an Upper and Lower House called respectively the Legislative Council and the Legislative Assembly. The former was to comprise thirty members, five being returned for each of the six electoral districts into which the colony was divided in a schedule to the Act. One member for each district was to retire in rotation every two years, thus ensuring each member his seat for ten years, but giving the constituencies the opportunity of expressing their views every second year. No person was eligible for election who was not at least thirty years of age, and the possessor of freehold property worth £5,000, or of an annual value of £500. The electors required a freehold qualification of £1,000, or a leasehold rating of £100 per annum.

The Legislative Assembly was to consist of sixty members returned by thirty-seven electoral districts, the boundaries of which were defined in the Act. The qualification for members was freehold property worth £2,000, or an annual value of £200; and for electors, a freehold worth £50, or £5 annual value; a leasehold of £10 annually, or any one having a salary of £100 a year. A yet wider qualification gave the franchise to "any person who shall in consideration of any payment to the public revenue be entitled to occupy for the space of twelve months any portion of the waste lands of the Crown". Under this clause all squatters, not otherwise eligible,

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secured a vote, and it was hoped to bring under it the more permanent of the diggers, who for the sake of securing political rights might be disposed to take out licences for a year instead of from month to month. The duration of an elected assembly was to be five years, unless sooner dissolved by the Governor.

To the Parliament thus constituted the Imperial Government surrendered all its rights over the Crown Lands and Crown Revenues of the colony, the appointment of its own executive and public officers, and generally the sole management of its affairs. The only power retained by the Crown, the one strong connecting link, was the appointment of the Governor as the Queen's representative, and a stipulation for a Civil List which should be a fixed charge on the revenue. In the Act it is scheduled at £112,000, nearly half of it, £50,000, being for the "advancement of the Christian religion in Victoria". The balance included the salaries of the Governor and his staff, the judges, and the executive; certain Parliamentary expenses, and pensions to officers retired, or removed on political grounds. While Parliament had full power to alter or increase the electoral districts and the number of members in its discretion, it was debarred from passing any Act altering the Constitution, unless it was carried by an absolute majority of the whole number of members of both Houses, and was thereafter reserved for the Royal assent. Despite this hint to hasten slowly, the Act was hardly circulated before the tinkering process commenced. Within two years the qualification for members of the Assembly was abolished, and universal manhood suffrage swept away the limitations imposed upon its electors. Shortly afterwards the life of the Assembly was reduced from five years to three. Was it surprising that these inexperienced men, who had so suddenly entered upon such a grand heritage, should be impatient to make experiments in political economy which were checked in the motherland by the restricting influences of a thousand years of tradition and precedent?

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CHAPTER XV.

THE SOCIAL, COMMERCIAL AND FINANCIAL CONFUSION OF 1852, 1853, 1854.

The year 1852 was the period of the greatest social and political disorganisation that the colony experienced. It covered a time of unexpected developments and unexampled complications. Crimes of violence and episodes of riotous debauchery sprang into existence before the means for their repression could be organised, and for a time the country promised to rival that historic condition when "there was no king in Israel". Every allowance should be made for the short-comings of authority when it is remembered that in this year of unpreparedness the population sprang from 97,000 to 168,000.

In 1853, the further increase of population was 54,000, but on the whole it was of a more stable and permanent class. It comprised a large number of people engaged in mercantile and trading pursuits, who intended to live on the digger, rather than on the diggings. The large profits which many of them made fostered a tendency to speculation, and this year saw the price of real estate forced up to a figure which no reasoning could justify, prices at which it was found impossible to realise even thirty years later.

In 1854, although the population was again further increased by no less than 90,000, the reaction commenced. The wild extravagance and wasteful expenditure of the two preceding years had to be atoned for, and by the end of 1854 the results of the second "boom" in which the colony had indulged were made manifest in very widespread insolvencies, and a heavy fall in value of all kinds of property, from which the recovery was prolonged and tedious. There had been troubles, too, on the goldfields, serious rioting and

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loss of life, and concurrently the yield of gold had fallen by one-fourth below that of 1853. Combined, these matters told very unfavourably upon the bustling and hitherto prosperous metropolis, and gave rise to a gloomy feeling of despondency and an unjustifiable distrust of the future.

For the first five or six months of 1852, the population on the goldfields was mainly of colonial origin. From New South Wales, South Australia and Tasmania the stream flowed in and spread out over the land. Adelaide was threatened with desertion, for 15,000 persons were attracted from the sister colony, and the Burra Burra copper mines were closed down for want of labour. One-third of the adult male population of Melbourne threw family responsibilities to the winds, and tramped to Forest Creek or Ballaarat. Their places were temporarily filled by the daily arrivals of new adventurers. Early in the year many of the shops were closed, and there were scores of vacant houses in the suburbs left, as sailors say, "all standing". The traders who were able to continue business, though overworked, and worried by the defection of their assistants and irregularity of supplies, were amply rewarded by enormous profits. Many of them laid the foundations of substantial fortunes in that one year's work, and on the whole their gains were far in excess of the average earnings of the gold digger. As the winter drew on many luckless prospectors gravitated back to their former avocations, with a sense of having unprofitably endured much hardship, and having missed better chances. They were soon absorbed, for the wages of labour had risen to unprecedented figures. By July there were no longer any vacant shops or houses, and the city hummed with business activity and wide-spreading extensions. Any skilled artisan in connection with the building trade could be sure of 30s. or even £2 per day, and the simplest kind of manual labour commanded from 15s. to £1. In June the first substantial contingents from Europe began to arrive; in July and August over 10,000 landed; in September it sprang up to over 15,000; and during the last three months of the year it reached 44,000. These large figures were not net accessions to the population, because during the year many thousands of diggers from New South Wales and South Australia returned to their

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homes with substantial rewards. So many South Australians were on the fields that the Government of that colony established a police escort overland between Mount Alexander and Adelaide, which during 1852-53 carried gold between those points to the value of over £1,000,000 sterling.

Of course, it was impossible to pour into an already overcrowded town some three thousand additional persons per week without creating much confusion and discomfort, and the privations of many of the new-comers were pitiable in the extreme. Before the end of the year house accommodation was absolutely unobtainable. The rents demanded were practically prohibitive, and as much as £1 to £1 10s. per week for a single room, in some cases only a paling shed, was eagerly paid by the unsheltered. But though they crowded in to every flimsy erection and outbuilding that could be run up, there were still hundreds that could not find any cover and had perforce to camp on the wharves, or elsewhere under the starry canopy. Extemporised tents, and shelters of the aboriginal "mia mia" order, began to appear on vacant allotments and on the banks of the river above Princes Bridge. The Corporation objected to this straggling adornment of the city, probably because they were letting the eastern and western market reserves for a similar use, and they urged the Government to take some action to meet the difficulty. There was an Immigration Department presided over by Edward Grimes (afterwards Auditor-General), and it was galvanised into action. As a first step the Government rented from the Corporation a building at the foot of Batman's Hill which had been the city abattoir, at an outlay of about £300. It subdivided the building into fifty small rooms, with accommodation for nearly 200 persons. It then hastily covered some two acres of land on the south side of the river with wooden buildings, capable of holding from 400 to 500 people, and both these havens of refuge were made available before the end of November. These buildings were called the "Government Houseless Immigrants' Homes," and the period of occupation by applicants was limited to ten days. A charge of 1s. per head per day was made, and each family had to provide its own provisions, and to contribute *pro ratâ* towards the cost of wood and water.

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Before these buildings were completed it was fully apparent that they would be insufficient, and a public meeting was held. The result was the formation of an Immigrants' Aid Society and an appeal for subscriptions, which was generously responded to, the Government promising to give £2 for every £1 subscribed. This society started a building on a larger scale than the others, managed by a Committee of eight, half elected by the subscribers and half appointed by the Government. It was called the "Public Immigrants' Home," and when completed provided sleeping accommodation for 700 persons, with ample cooking arrangements, mess-rooms, hospital ward, and residence for the superintendent. The rules and charges were identical with the Government home, except as regards the limit of occupancy. The public subscriptions totalled £3,800, and the Government added £7,600. An additional effort was made by the Wesleyan body, who, with the assistance of a Government grant of £1,000, erected a large wooden building at North Melbourne, where 150 persons were provided with food and lodging for the moderate cost of 4s. per day. All these buildings were brought into use in the last two months of 1852, and yet one more provision was made on the initiative of Mr. Latrobe, who authorised the hiring of two large ships, which were berthed at the Sandridge Pier, and fitted them up for the accommodation of several hundreds of Government-assisted immigrants. But even if a couple of thousand persons could be crowded into these refuges, it was but provision for about two-thirds of one week's influx. Rumours of these difficulties had already reached England, and many of the well-to-do arrivals brought with them substantial tents, and some even wooden and iron houses. To meet their views the Government laid off a large block of land, between the Public Immigrants' Home and the road to Sandridge, and cut it up into small allotments for which they exacted a rental of 5s. per week. There was a rush for the accommodation, and a temporary town sprang into existence, which by the beginning of 1853 contained from 7,000 to 8,000 inhabitants. It was by no means restricted to private residences, for the wants of such a compact population demanded local trade, and the tented field contained numerous restaurants, general stores, boarding-houses, butchers, bakers and other conveniences,

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and also a few illegitimate accessories, where the excise and licensing regulations were not slavishly observed. It was a rough and ready solution of a pressing difficulty, and though naturally there was much that was unpleasant in the swarming crowd and the semi-publicity in which it had to conduct its domestic duties, it was at least a present relief to have somewhere to sit down and plan out the future. As in the days of the Canvas Town of 1840, which Richard Howitt described, there was an admixture of the squalor and rowdiness of the dissolute and improvident with the refined neatness and extemporised comfort which the resourceful can call out of the meanest surroundings. Representatives of every social grade of the British Isles were huddled together on a footing of equality, intermixed with the wandering types of most of the languages and creeds of Europe and America. Many respectable families, and some men who made their mark in the country, dwelt awhile in these flimsy domiciles until they could take firmer root. Amongst others Mr. James Service, whose entry into public life was as mayor of Emerald Hill, thus obtained the first knowledge of the district he was called upon to administer when canvas gave way to brick and stone, and Mr. George Higinbotham was his near neighbour.

Despite the enormous cost of material, and the high rate of wages prevailing, building operations were pushed on in and around Melbourne with restless activity. According to an article in the *Argus* in 1853, there had been erected in Melbourne alone during the first six months of that year no less than 1,027 new buildings of various description, without taking into account the number erected in the numerous suburban townships. The breezy shores of the bay at St. Kilda and Brighton, the pleasant hill slopes of South Yarra, and the sandy heath-clad plains of Prahran, began to be dotted with small cottages and villas, for the most part of timber, with here and there what might by comparison be called a mansion of more enduring material. On Emerald Hill, as in Collingwood, Richmond and the nearer suburbs, the cost of the land was prohibitive of picturesque display, and crowded blocks of cottages, tightly fitting the allotments and flimsy terraces, were the order of the day in 1853. Bricks, even at £20 per thousand, could not be turned out fast enough for the demand, hence they

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were mainly reserved for business stores and public buildings. At one time there was not a log of European timber left in the market, and, while overdue ships from the Baltic were daily prayed for, some of the idle vessels in the bay were chartered to bring cargoes of hardwood and palings from Tasmania. One enterprising firm managed to place a most profitable order in Singapore, whence over two hundred houses of the native cedar came to hand, only requiring to be put together by any rough carpenter. Within the limits of Emerald Hill and its adjoining suburb of Sandridge a fancy was developed for corrugated-iron buildings, which even extended to churches and chapels, some of which have survived for half a century. The trend of desire amongst this motley crowd was to make a fortune as soon as possible and "go home". Hence all the hurry and rush centred round what were regarded as temporary make-shifts, not coveted as the life-long nest, but, at any rate, a decided advance on the tent with its al fresco cookery and denial of privacy. So by the winter of 1853 the better class of the denizens of Canvas Town had found more congenial quarters, and the residue was such a squalid lot that new arrivals gave it a discreet avoidance, the tradesmen forsook it, and by the beginning of 1854 the area of the deserted camp that had temporarily sheltered over 20,000 persons was only traceable by a thick deposit of battered provision tins and broken bottles. In its latter days it became a great nuisance to the people who had built in the neighbourhood, and a source of continual trouble to the police.

The early months of 1853 saw the waste, the confusion and the mismanagement of the import business at its maximum. The rough platforms that did duty for wharves were flanked by unformed approaches, transformed by the ceaseless traffic of drays into quagmires of mud and slush. Goods from the lighters, which, to add to the confusion, were generally moored two or three abreast, were thrown ashore pell-mell, and many heavy packages, for lack of hoisting gear, were rolled over into the mud, and left exposed to the weather for weeks. The rough handling resulted in great loss to importers from broken packages and scattered contents; but even the results of this careless handling fell short of what they suffered by flagrant plunder. While it cost nearly as much for

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lighterage from the bay to Melbourne as it did to bring the goods from England, it was declared by some leading merchants that far more than the total freight charge was lost by peculation in transit during the last nine miles. The inability to command sufficient labour or horse-power, to accept promptly the reckless deliveries, produced such a congestion at the wharves that it was impossible to fix responsibility. The loss of property became so serious that the traders appealed to the Government for protection, only to be put off with promises. While the importer suffered, he had, however, the means to recoup himself by doubling the price of his wares, such was the unsatisfied demand. But the poor immigrant, encumbered with much luggage, and often with furniture, was the victim of the cruellest extortion. As a rule, his passage-money had only franked him to Hobson's Bay, and after he had met the greedy claims of boatmen, lightermen and wharfingers, he had to face the exorbitant demands of the draymen, whose tariff ranged from £2 to £4 per load within the suburban radius. Thus it came about that many poor families were literally stranded on the wharves, and found that the cost of landing their personal effects sometimes exceeded the amount paid for them in England. A singular evidence of the waste of those times was the fact that for years afterwards the beach from Sandridge to St. Kilda and Brighton was literally covered with derelict mattresses and bedding material, with which in 1853 it was customary for passengers to provide themselves. Blankets would generally be saved for outdoor camping on shore, but as a rule all the rest went overboard, and drifted about the bay for months. There was enough bed-ticking wasted to have made all the tents in Canvas Town. The Immigrants' Aid Society had obtained permission from the Government to put up a temporary iron store on the wharf for the luggage of new arrivals seeking a domicile. But such was the restless excitement that many of them rushed off to the diggings without troubling to make any arrangement about their belongings, and in a very short time the store was crammed to the roof. Finally, it occurred to some of the more distressingly impecunious ones that it would be better to part with all they could spare of their outfit, for whatever it would fetch, rather than disburse more than its value in store rent and cartage.

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A few of these, and at first it was a pathetic sight, sat on the edge of the wharf with their boxes opened, trying with wistful glances to tempt the hurrying passers-by with bargains wrung out of their distress. Guns and pistols, suggestive of a capacity for heroic deeds; good clothes that represented loving self-denial of parents and friends on the other side of the world; books with affectionate parting inscriptions; watches and trinkets that had been prized as valedictory souvenirs; it was hard to have carried them 16,000 miles to have to use them as a bribe to the unsympathising strangers, within whose gates the owners had dreamed of finding an easy share in the much-vaunted prosperity. If they could but get to the diggings it might yet be theirs, and moleskins and a flannel shirt were good enough for the trial. Money was the one thing needed—the means to pay one's way, and in the meanwhile to get the daily meal. Every other consideration must be sacrificed, and sacrificed it was. The example soon found imitators, and when the three or four impoverished vendors were multiplied into fifty or sixty, it was soon bruited abroad that marvellous bargains could be secured in the throng of mendicant pedlars, whose gathering-place in front of the Customs House was ironically called "Rag Fair". Then the pathos died out of it. The sharpest of the small shopkeepers found it a convenient place for renewing their stocks at prices which left them ten times the profit of a more regular trade. It became a veritable al fresco bazaar, with noisy squabbling and wheedling disputation. The passion for cheapness, so dominant in the British housewife, supplied such a stream of customers that at last the shopkeepers revolted, and appealed to the Corporation to suppress this unfair competition with those who paid such oppressive rentals. It was alleged, and probably with truth, that when the impedimenta of the real immigrant began to give out, some low-class brokers and ingenious swindlers promptly supplied the market with stolen goods, and even hired some of the greenest of the new-comers to pose as the distressed owners. So when the police had made one or two charges of this character, the civil power prohibited any further sales in the street, and "Rag Fair" like Canvas Town passed into the stage of tradition.

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To turn from this distressing phase of the new-comers' experience, a glance at the streets of Melbourne in the summer of 1852-53 presents a picture of the wild excitement which had turned the heads of so many thousands of Fortune's devotees. In the first year of the goldfields individual successes were, of course, far more numerous than later, and on the flying tongue of rumour more strongly accentuated. So easy had been the winning in many cases, that scores of the lucky ones, when they had secured £1,000 or so, rushed down to Melbourne to enjoy a little dissipation, believing that they had only to go back to renew their successes. And Melbourne laid itself out to receive what the tradesmen called the new aristocracy, whose reckless expenditure, indiscriminate hospitality and contemptuous indifference to the minutiæ of change in settling their accounts ensured them effusive welcome in the shops, and more particularly at the bars of the public-houses. Unhappily, it was in the latter that their inclination generally landed them, and too often the fascination could not be overcome until all their money was spent, when the landlord generally severed the tie. The Bacchanalian orgies of some of these men are scarcely credible in more sober days, but there is undoubted evidence that hundreds of pounds were spent daily in reckless waste of champagne at from thirty to forty shillings per bottle, ordered for the consumption of strangers and the bar-loafers who congregated in the track of the fuddled spendthrifts. Bar-counters have been washed down with expensive wines as a preliminary ceremony to ordering "free drinks for the crowd," and with an imbecile idea of ostentation the poor fool has excited the plaudits of his followers by sweeping all the glasses off the counter with his whip to make a bill worth paying. The number of public-houses in Melbourne was out of all proportion to requirements, and excited the wonder and often the indignation of new-comers, for they seemed to be in possession of nearly every street corner. The profits were enormous. Many of the bad old type of landlords, who had graduated in the art of "lambing down a shepherd," put the capstone to their fortunes by selling out their interests at prices which carried the purchasers into the Insolvent Court when the passing Saturnalia gave place to a more decent order of things.

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The harpies who prowled in the track of the squandering diggers made the streets of the city unsafe after nightfall. They were badly lighted with a few oil lamps, only the most frequented possessed footpaths, and within a hundred yards of the garish light of the thronged bars there were pitfalls for the unwary—dens of ill-repute and darkness. Official returns show that 282 inquests were held in Melbourne in 1853, and of these nearly one-third were on strangers, about whose belongings little could be ascertained.

But when the summer sun gleamed down with fierce ardour upon these streets they were lively enough. From early morning till daylight failed there was an incessant loading up of drays and waggons for the goldfields. Crates and barrels, bales and sacks cumbered the roadways, and long teams of bullocks camped in the streets awaiting their turn to get to some specially busy store. The coming and going traffic raised clouds of penetrating dust, for the days of smooth roadway and neat pavement were not yet. The pedestrians who thronged the city formed a strange blend of the shabby and the picturesque, the adventurous and the timorous, the hopeful and the despondent. The lucky digger, if of colonial origin, would generally be dashing about on horseback, with a gait worthy of a Pawnee Indian. If he was a runaway sailor, his inclination would be towards a cab, hired at £6 or £7 per day, in which he would treat his mates to a wild career through the crowded streets that illustrated many points of intricate navigation. A phase of the startling orgies of 1852 was the prominence given to the festivals with which the weddings of some of these exuberant spirits were celebrated. There were designing landlords who kept comely barmaids always ready to snatch a chance in the matrimonial lottery if the bribe was sufficient. There may possibly have occasionally been some such haphazard selection that proved enduring and satisfactory, but it was an open secret that some of the enticers had figured as brides more than once. For it frequently happened that the wedding dissipations were kept up until the coin ran out, and the bridegroom had perforce to return to his toil to replenish his purse. Often he had not the means to take his wife with him, and more often she had no inclination to share his hardships and uncertainty. She would come to him when he was

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settled; but fortune did not often smile twice on these spendthrifts, and, even if he did eventually settle down, he was not always in a hurry to send his address. When the lucky digger was first enmeshed, he had to show his honourable intentions by ordering in the most sumptuous apparel and costly jewellery, and by making provision for the service and its accompanying festivities without any reference to cost. One well-established item in the programme was the hire of an open carriage and pair, for which from £15 to £20 would sometimes be paid, and in this to drive about the streets, the coachman and horses streaming with white satin ribbon, the happy pair supported by a few choice friends, carousing on champagne and plum cake, and stopping occasionally to administer a drink to a passing mate. An hotel in Collins Street, called the "Criterion," on the site now occupied by the Union Bank, had an enterprising American landlord, who laid himself out to attract those who delighted in gaudy colours, much gilding and many mirrors. He fitted up a couple of rooms in this style of meretricious glory, and advertised them as the "Digger's Nuptial Suite". At the liberal tariff of £20 per day they were pretty frequently occupied, and it became such a mark of distinction and competition between the damsels interested, that a promise of a few days' tenancy was often exacted before they would consent to be married.

The amusements of the crowd were of the roughest. Theatrical performances were at a very low ebb; there were a few rowdy concert halls, some dancing saloons, and nearly always a circus; but the people who patronised them were mostly of the dissolute type. The merchants and tradesmen were too much overwhelmed with work to be able to take amusement. The ever-increasing stream of new arrivals were only birds of passage, eager to get to work at digging lest some more active prospector should forestall their finds. They only lingered long enough to arrange the means of transit for themselves and their belongings, and had neither money nor inclination for idle diversions.

The disorganisation of the labour market told very seriously upon those households whose avocations debarred them from the increased profits of trade, while they had to face a more than

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doubled cost of living. Civil servants, mercantile and bankers' clerks did eventually get considerable, though often inadequate, additions to their pay, but for a long time they and their families had a hard struggle to maintain a decent outward aspect. They had to do their own work even beyond the domestic hearth. Tradesmen could sell, but were often unable to deliver goods: they must be taken from the shop. One of Mr. Latrobe's Executive, afterwards a judge, often referred humorously to these times, when he had more than once taken home the family supplies in a wheelbarrow. Out of some fifty licensed water-carters so few remained at their post that many respectable citizens were to be seen at early morn strolling down to the Yarra with a bucket to provide the means of ablution for their families. Even the sanitary arrangements of the city, which were of the most primitive kind, fell into deplorable neglect, and the accumulated filth and garbage in the streets and lanes would, in any other climate, have led to an outbreak of disease.

But social derangements and personal inconveniences were, after all, but a passing phase, and they left little permanent injury behind. The commercial troubles, however, which were partly engendered by them, wrought more enduring evil, and disclosed an unlooked-for chasm of ruin, in which many prudent and deserving traders were engulfed with the more reckless gamblers in fortune. The causes of these troubles were not far to seek. Melbourne in 1852 was probably the most expensive place in the whole world to live in. The sudden expansion of the population in the beginning of the year had cleared out all accumulated stocks, and the very feeding of the multitude became quite as serious a task as providing them with shelter. The rush of all the labouring classes to the diggings had thrown out of cultivation 20,000 productive acres, on which at least two seasons would be lost. California and Chili were the nearest countries from which supplies could be looked for to ensure the daily bread. Shipmasters, who were fortunate enough to command a crew, found themselves chartered thither for flour at unprecedented rates. And while it was being got many thousands of hardy diggers came to regard the homely damper as an article of luxury, and would have been

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perilously near starvation had not the despised squatter found in them a good market for his mutton.

Every pick, shovel and pannican, every bale of canvas, blankets and slop-clothing that could be ransacked from the country stores in New South Wales, Tasmania or South Australia, had been drawn into the Melbourne vortex for transformation into gold, yet daily the would-be purchaser had to be sent away empty. The publicans and shopkeepers, elate with their enormous profits, and confident of an ever-increasing army of consumers, sent forth their orders for replenishment without limitation. Many of the owners of well-established shops, scorning the intervention of the warehousemen, through whose medium they had previously dealt, sent their orders direct to England, where, on the reputation of the colony's growing wealth and progress, they found themselves commanding unlimited credit. The banks soon acquired the control of the gold shipments, and by negotiating drafts against them, at 10 per cent. discount, realised that exchange was the most profitable and important part of their business. Their coffers were gorged with money, for during the year 1852 the deposits rose from £820,000 to £4,330,000, and the notes in circulation from £180,000 to £1,320,000. For the millions thus poured in to them they had no profitable use, no local discounts, and very scant demand for accommodation. Naturally they refused to allow any interest on deposits which involved responsibility without any compensating advantages. But it was necessary to earn profits somehow, and by force of circumstances they gradually merged into their business the functions of the indent merchant, and established credits for hundreds of thousands of pounds for their customers whose prospects looked so promising. The wholesale warehousemen in their turn plied their English agents with orders, based on a bare market and great expectations. This combined, and yet competitive, action would alone have ensured a glut, and depreciated values in the course of a year, for it must be remembered that, in the absence of a regular mail service, something like nine months elapsed between the despatch of an order and the delivery of the goods.

An even more serious factor in bringing about the collapse was, however, already beginning to work at the other end of the line.

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The English papers teemed with scraps of information about the favoured golden land; the prodigal expenditure of its lucky denizens; the amazing orders which came thence for every article of British commerce; and a chorus of editorial comments proclaimed the duty of jealously conserving such a trade outlet. Then a new class of venturers sprang up; men who had no commercial relations with Australia, and no desire to go there themselves, but who clutched at the idea of sharing in such phenomenal profits as the local "prices current" disclosed. The eagerness of the banks to buy drafts against hypothecated shipments opened a friendly avenue for their operations, and with thoughtless confidence they proceeded to ship everything they could not sell otherwise, or could get long enough credit for if they had to purchase.

There was a sweet simplicity about the tariff in those days which facilitated such operations. Everything came in free, except five articles, from which revenue, pure and simple, was derived. Wines, spirits, tobacco, tea and coffee alone paid duty. Had the later protective principles of Victoria been in force, the results must have been even more deplorable, for the bonded stores could not have held one-tenth of the tremendous influx, and ships would have been unable to discharge. In the early months of 1853, when these goods began to pour in pell-mell, efforts were made to get such of them as were suitable up to the stores already established at Ballaarat, Forest Creek and Bendigo, but a large proportion of them were not wanted there, nor anywhere else.

By the middle of the year the roads to the goldfields became practically impassable, and cartage rose to prohibitive prices. Auctioneers' licences were taken out by the score, and all day long the clanging of bells and the cries of the bellmen echoed through the streets urging the citizens to take advantage of the "awful sacrifices" which the importers were compelled to make. But all such efforts, though contributing an appearance of restless business activity, only touched the fringe of the difficulty. Piles of merchandise remained unclaimed on the wharves. Consignees, who had often been drawn upon without permission, refused the responsibility of accepting drafts against unsaleable goods. Such as were dutiable were sold almost daily by the Customs authorities, often

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for only the amount of their claim. Others were sacrificed by the wharfingers and lightermen for their charges, and vast quantities remained to be gradually pilfered or destroyed by exposure to the weather. Naturally the result of this reckless congestion was to materially lower the profits of the regular trader, who found himself undersold in every article he dealt in. The only hope of checking the disastrous inflow lay in a tedious waiting until the account sales of some of these speculative ventures reached England; so during the whole year the process continued, until more than ample provision had been made for the wants of the colony for the next four or five years. By the beginning of 1854 the outlook for the merchant and retailer alike was very gloomy. The wild expenditure of the previous eighteen months had received a decided check. The success of the diggers in acquiring sudden fortune was less pronounced; the gains were distributed in more moderate form, over a larger area, and the business of mining began to take on the semblance of an ordinary industry, with average fair results, and many blanks. The migratory disposition which characterised the digger was very prejudicial to the success of the storekeepers. Some fields with a dozen stores, supplying 5,000 or 6,000 miners, would be practically deserted in a few weeks on receipt of unsettling rumours of great finds somewhere else. And the loss of the trader, already large in the outlay for buildings and cartage of stock, was frequently aggravated by the disappearance of debtors with unsettled accounts. When the country storekeepers went down, the Melbourne merchants suffered, and as the *débâcle* continued, it was not long before many houses of hitherto fair repute were in difficulties. The wine and spirit merchants were among the first and largest sufferers, for the unnatural preponderance of public-houses could not live on a sobered community, and many of them had been carried on by their suppliers in the hope of starving others out. The losses in this mercantile "boom" were not purely local, as was the case in the previous one. Quite an equal share of them fell on the greedy exporters at the other end, and on the institutions which financed their operations.

In the colony there was another factor working concurrently which aggravated the position of the trader, and left him less pre-

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pared to meet the era of diminished profits and increased bad debts. The accumulations of 1852 lay idle in the banks, earning nothing. The building up of the suburbs had been going on all the year, and daily the price of allotments was increasing. Land companies and building societies were being formed to secure some of the profits of subdivision and building. The trader was tempted to use some of his idle savings in what certainly seemed a most legitimate investment. Then, in 1853, there began an era of keen competition for suburban lands, which the Government fed by bringing small lots into the market and having auction sales almost weekly. A wave of speculation was roused, and nearly every buyer who secured a few acres cut it up into allotments measured by feet, and with the aid of bold advertisements, of champagne luncheons and bands of music, gathered round him delirious buyers, and apparently often realised large profits. The savings of the traders were largely locked up in this form, and when they were wanted to meet bad times and unexpected demands, explanations were necessary with creditors. During 1853 enough "eligible building sites" were offered for sale to have provided for the requirements of the Melbourne of 1900. But by the beginning of 1854 the game was played out, and a year later suburban lands that had been sold by the Government up to £500 per acre could have been bought for £50, but there were no purchasers. In this trouble all classes were more or less entangled. Men without means had bought on credit, and their aspirations to be landholders were represented by hundreds of thousands of pounds in the shape of valueless bills of exchange, which, in the hands of usurious money-lenders, became veritable instruments of torture for years. The Insolvent Court wiped out a great many obligations; thrift and industry overcame others. Gradually, after a severe weeding-out process, the road to prosperity was again visible, and the first few years under the New Constitution started the colony once more on a progressive though far less meteoric career. How came it about that the year 1851, without gold, opened upon the colony in a state of substantial prosperity, trade sound and satisfactory, and employment abundant; while 1854, after gold to the value of £33,000,000 had been raised, closed in widespread commercial distress, saw hundreds of ruined

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homes, and heard the wail of the unemployed go up threateningly in its Metropolis? The gambling spirit engendered by sudden success had much to do with it, but the following official figures furnish sufficient reason:—

	Exports.	Imports.	Per head.
1852	£7,450,000	£4,070,000	£29
1853	11,061,000	15,840,000	79
1854	11,775,000	17,650,000	70
	£30,286,000	£37,560,000	

When it is borne in mind that the imports of Great Britain at this period did not reach £5 per head, it will not be surprising to learn that £79 per head, for men, women and children, is a phenomenal figure, and the record consumption for any known country. But probably quite 20 per cent. of these imports were wasted or destroyed; a large proportion of them were useless to meet any real requirements of the population, and they included beer and spirits to the value of nearly £6,000,000, which certainly added nothing to the permanent wealth of the community. They indicate a reckless condition of expenditure and trading operations, and the foreign exchanges which, under such exceptional conditions, should have shown substantially in favour, left the colony with a debit trade balance of over £7,000,000, equal to £29 per head of the population.

It was during 1852-53 that the *Argus* delivered its most bitter attacks on Mr. Latrobe, attributing to him all the ills under which the colony suffered, from bushranging down to short market supplies, and the high cost of living. The harshest denunciations of his extravagant expenditure were frequently set off in the same issue by blaming him for the want of those accessories to the progress of the colony which could only be provided by large additional outlay. The standing prominent advertisement: "Wanted, a Governor; apply to the People of Victoria," was cruelly insulting, and the incessant cry of "Unlock the Lands" was based upon a misconception of the public needs. It has been already shown that *over* 20,000 acres of productive freehold lands had been allowed to fall out of cultivation for want of labour, and

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because men could earn better wages at almost any other occupation than agriculture. But the Government did sell during 1853-54 no less than 690,000 acres, realising over £2,900,000, and meeting the wants of nearly 20,000 separate purchasers. True, much of it was no doubt bought for speculative purposes, but that would have been so in any case; such a rate of alienation of the colony's principal asset was surely sufficient for the purposes of *bonâ-fide* settlement. It cannot be denied that the *Argus* only echoed the spirit of the times. It was the dominant feeling of the people that everything ought to be done at once. There was such a dazzling belief in the "marvellous future" of Victoria that the whole community was exasperatingly impatient and resented deliberation. Hence the colonists had always some quarrel on hand with the Administration, and the Government, goaded by the press and by popular clamour, drifted into an expenditure which alarmed the more sober colonists of the old régime; formed a ground for journalistic fault-finding; and, despite Victoria's noble dowry, laid the foundations of a debt that was to touch £50,000,000 before the end of the century. It was the Melbourne City Corporation, however, that was to take the lead in the initiation of that system of free borrowing which has been a marked Australian characteristic alike of the Governments and the various public bodies created under them. The demands upon the Corporation owing to the rapid growth of the city were enormous. The increasing rates, rapid as was their growth, could not overtake the necessary expenditure, even with many liberal grants from the Government. In the justifiable belief that the income would continue to improve, it was resolved to anticipate it to a certain extent, and to push on the important work of street-making, lighting and draining, which the citizens imperatively demanded. A travelling financial agent, named Gabrielli, who was reputed to be accredited by the Rothschilds, was in Melbourne early in 1854, and was brought into confidential relations with the Mayor, whose limited financial horizon was dazzled by an off-hand offer to lend half a million on the security of the rates, then about £50,000 a year, plus the guarantee of the Government for the principal. Public bodies, as well as individuals, were free-handed in those days, and there was no higgling, though 6 per cent. for a

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debenture loan with such a security was undoubtedly high. The Corporation joyfully assented, the Government concurred, and Mr. Gabrielli, having arranged an interim advance from the Bank of Australasia, promptly carried the debentures to London, and placed them on the Stock Exchange, at a substantial premium for his own reward. His assumed connection with the Rothschilds was never verified, and the £25,000 he was reputed to have cleared by the operation was probably the reward of his own astuteness.

This was the first attempt of Victoria to tap the British money market by direct borrowing, for the Government, though its finances were in great confusion, had a continuously growing revenue, until some years later, when the outlay for railway construction began to outrun it, and the example of the Corporation was then followed.

The net revenue of the colony, which in 1851 was only £380,000, was largely augmented in the following year by the surrender to the local administration of the gold fund, and the unappropriated moiety of the land sales fund, hitherto reserved to the Crown. In the three years under review the figures were—for 1852, £1,634,000, for 1853, £3,235,000, and for 1854, £3,088,000. The expenditure, however, mounted up with startling rapidity. It was under a million in 1852, but sprang up next year to £3,216,000, and in 1854 to £4,186,000. The chief items of this large increase were in the Public Works Department, the outlay for 1852 being only about £130,000, while the expenditure of the two following years reached the enormous total of £3,000,000. The next largest increase was in the Police and Penal Departments, where the cost rose from £100,000 in 1852 to an average of £600,000 for each of the two succeeding years.

When Sir Charles Hotham arrived in June, 1854, he was confronted with a prospective deficiency for that year of over a million sterling, and he found estimates for the following year submitted to the Council contemplating a further expenditure of £1,800,000 on public works. He had been warned before leaving England, by the Secretary of State for the Colonies, that unless he exerted his influence to adjust expenditure to income, something resembling national ruin was in sight. The Governor lost no time in making an attempt to comply with this unpopular duty, but before submit-

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ting his views to the Council, he determined to secure the best advice obtainable on the position from specialists in finance. The statements submitted by the Audit Office, though sufficiently startling, were inconclusive and occasionally unintelligible. To evolve a lucid balance-sheet out of the financial chaos, to detect suspected malversation, and to devise measures for a more effectual control of the public funds, Sir Charles appointed Mr. W. Hamilton Hart, an ex-superintendent of the Bank of Australasia, Mr. D. C. McArthur, the Melbourne manager of that bank, and Mr. Edward Grimes, the Auditor-General, as a special Committee of Finance and eagerly awaited their report. It was not only that the expenditure was extravagant; a large portion of it was practically uncontrolled. A most injudicious system of advances to the various departments, under the title of "imprests," introduced by Mr. Childers while in charge of the Audit Office, left huge sums of money at the disposal of officers for indefinite periods, on the understanding that vouchers for its disbursement would be forthcoming when the annual accounts were made up.

But there was no strong hand at the Treasury to resist the clamorous demands of departmental officials, and a dozen good reasons were always forthcoming why accounts could not "just then" be closed to a point. Hence fresh advances were made without insisting on an adjustment of the last, and by the time the Committee of Finance had got a grip of the situation they found that no less a sum than £1,680,000 of the public funds was represented by unadjusted entries between the Treasury, the departments and the creditors of the Government. Without waiting to complete their report the Committee promptly denounced the "imprest" system, and urged its immediate abolition. The value of the advice was demonstrated by the fact that after the line was drawn, and liquidation commenced in earnest, a sum exceeding £280,000 was found to have absolutely disappeared, and the most prolonged efforts of the Audit Office and special committees of the Legislature failed utterly to account for it.

The determined attitude of Sir Chas. Hotham in his insistence upon seemly order in dealing with the public funds, and his objection to revenue being recklessly anticipated, roused a bitter feeling of hostility towards him amongst that section of the official and trading

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classes who had benefited, either by indifference or actual fraud, from the prevailing peculation. The most spiteful stories and mendacious paragraphs were circulated about his "paltry retrenchments". He was accused of starving the development of the country; of parsimony in which he spared himself; was offensively reminded of his large salary of £15,000 a year, and directly charged with the scandalous waste of some £43,000 which had been foolishly expended in altering and furnishing a leasehold house at Toorak for his occupation. The fact that nearly all the outlay was incurred before his arrival, and that he innocently brought out his own furniture from England, was ignored in the venomous desire of his many enemies to have him in the pillory. He was not by any means the fittest man for the position he occupied. Neither by training, experience nor temperament was his course made easy for him, and he had everything to learn about the aims and aspirations and the strong passions of the mixed population that had so recently overrun the land. Numerous as were the mistakes he made in his short colonial career of eighteen months, he was always sound on the question of finance. Much of the abuse heaped upon him arose out of his determined opposition to corruption and nepotism, and emanated mainly from those whose irregular practices he had stopped. It must have been some consolation to him, in all his troubles, to know that he had carried out the behests of his Imperial employers, and that before his untimely death he had restored the Treasury to a fair condition of equipoise, and had confided its future to more conservative and capable hands.

But out of these tangled episodes of financial trouble and haphazard control, these three years of turmoil that utterly broke down one Governor and hastened the death of a second, the expenditure, if extravagant, was far from being all wasteful. The country was opened up by substantial though over-costly roads; municipal institutions were established, and liberally endowed; and the city of Melbourne emerged from its rutty, dirty obscurity into the condition of a well-paved, fairly lighted and convenient metropolis. A beginning was made of substantial wharfage along the river. In November, 1853, Mr. Latrobe inaugurated the works for providing the city with a supply of pure water from a reservoir in the Plenty

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Ranges, a debenture loan having been authorised to cover the estimated cost of £600,000. Private enterprise constructed the first Victorian railway, from the city to the port, and the extortions of the lightermen and wharfingers were checked. By an Act of Council passed in January, 1853, the Melbourne and Hobson's Bay Railway Company was endowed with the land required for the track, and on the 12th of September, 1854, the line was opened for traffic. The energy displayed in this undertaking, and the prospects of large profits, stimulated other enterprises with private capital. Acts were obtained authorising the construction of a line from Geelong to Melbourne, and one to Mount Alexander and the river Murray. The former was completed some years later, in a very slipshod condition, and in the absence of dividends the promoters were very glad to sell it to the Government, when the policy of State-owned railways had been determined on. The latter hardly got beyond the prospectus stage when it was brought to a standstill by financial difficulties.

And while much was thus being done to promote industrial and commercial development, the worried Executive, mainly on the instigation of Mr. Latrobe, was responsive to the claims of intellect. During the three years under review, a quarter of a million sterling was disbursed in promoting education under the auspices of denominational and national school boards, these rival systems having between them over 200 schools and some 15,000 pupils by the end of 1854. The glowing future prompted higher aims than mere primary education. Sydney had established a university, and endowed it with £5,000 a year. Surely Melbourne must do as well, or probably better. In November, 1852, Mr. Latrobe, by message to the Council, commended such a course, and in January, 1853, the Act of Incorporation of the Melbourne University was passed, and the Lieutenant-Governor granted forty acres of valuable land for its buildings on the northern boundary of the city. This handsome endowment was later on increased to seventy-five acres for the erection of affiliated colleges by the leading denominations. The Council voted £30,000 for buildings and the liberal endowment of £9,000 per annum towards its maintenance. The Creative Bill was carried through the Council by Mr. Childers, who in after years ad-

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vanced claims to be regarded as the founder of the university in virtue of his performance of an official act as a member of the Executive. Now that all the prime movers have passed away, it is impossible to say definitely if any one individual is entitled to make such a claim. Apart from the fact that the initial impulse was given by the earlier movement in Sydney, the evidence points to Mr. Latrobe as the first to publicly move in the matter, though doubtless his action was the outcome of conferences with Barry, Stawell and Childers. In any case, when once the legislative enactments were completed, it was Redmond Barry who threw himself heart and soul into the furtherance of the object. It is some indication of the preliminary part he took in the foundation that Mr. Latrobe appointed him the first Chancellor, an office which he held continuously for twenty-six years, with credit and dignity to himself and with undoubted benefit to the university.

Largely due also to the active influence of Redmond Barry was the simultaneous foundation of the Melbourne Public Library, for which the Council voted £10,000 towards the erection of a building and £3,000 for a commencement in the purchase of books. It took some eighteen months to get all the preliminaries of starting such important institutions completed, and in the interim Mr. Latrobe left the colony. His successor, Sir Charles Hotham, had the honour of laying the foundation stones of both buildings on the same day, the 3rd of July, 1854, and they have both grown with the progress of the colony into a position which justifies the prophetic and laudatory speeches that marked the ceremony, and the generous expenditure which has ever continued to be voted for their support.

Two episodes which belong to the annals of these years, though not connected with the financial and commercial troubles, may be here conveniently referred to: The departure of the Lieutenant-Governor on the 5th of May, 1854, after fifteen years of arduous and somewhat thankless service, and the arrival some six weeks later of his successor, of whom great things were confidently predicted. The striking era of change through which the colony was passing was accentuated in the eyes of the old pioneer settlers by the departure of the Governor under whom they had grown up,

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and though the mass of the population was carelessly indifferent, the overgrown official staff experienced a flutter of anxiety lest the new man should lay a sterner hand upon them.

Mr. Latrobe's reception by the handful of people who occupied Port Phillip when he took charge as superintendent has been described. For at least ten years thereafter, despite a certain constitutional timidity that made him averse to change, combined with an honest doubt of the capacity of the people to rule themselves, he gained the confidence and regard of the solid and enterprising class, who were the real builders of the community. The animosity displayed towards him by writers like Thomas McCombie and David Blair found its expression mainly through the City Corporation, and the press organs that espoused its cause. Its origin was, as is very commonly the case, the refusal of financial assistance, and a natural unwillingness on the part of Mr. Latrobe to be drawn into an attitude of hostility to his superior officer in Sydney. The expression of ill feeling was essentially metropolitan, for throughout the country, before the gold era, Mr. Latrobe always retained the confidence of the settlers.

The last four years of his administration certainly proved too much for him. The people whose progress he had watched, whose affairs were known to him for years, and who had learned to esteem him highly, were swamped and obliterated by the inrush of thousands of adventurers, who swarmed over the hitherto peaceful and prosperous land, in search of its hidden treasures. Separation, too, had brought greater responsibilities, and had removed one prop on which, it must be admitted, he was prone to lean. After 1851 matters were no longer to be settled by his personal decision. There was an Executive to be brought into line: there was a Council to wrangle over its recommendations. There was a tendency on the part of that Council to ignore statutory obligations to the Crown, and a tendency to hold the Governor responsible for predicted disasters if those obligations were enforced. When he stood up for the Crown, he found himself threatened with a refusal of supplies, and when he made desperate efforts to keep together, at any cost, a staff for administering the Government, he was denounced alike for extravagance and incapacity. Nearly all the criticism was of the

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destructive order, it is so easy to find fault, and out of the hundreds of columns of journalistic nagging which he had to endure it would be scarcely possible to pick out any really practical suggestions of beneficial reform.

The somewhat irritable reply in which the Duke of Newcastle acknowledged Mr. Latrobe's exhaustive despatch on the claims of the squatters discouraged him more than the local personal attacks. He sent home his resignation and tacitly acknowledged his inability to cope with his harassing surroundings. It was not promptly dealt with, for the British Cabinet had its hands very full with the impending war with Russia. Months passed by without any announcement of a successor, and in daily expectation of relief Mr. Latrobe ventured to anticipate his departure by sending his wife and family to England hoping to follow them before the end of the year. But the early months of 1854 found him still in harness, and before he could arrange for his departure the sad news reached him of the death of his wife soon after her arrival in England. The blow was severe, for he was a man who had ever found his chief joys in the domestic circle. The stress of the last few years had aged him greatly, and though only fifty-three he felt that his life's work was done. When he embarked on board the *Golden Age*, a huge American paddle steamer, for his homeward voyage, he had received many addresses of condolence with his great sorrow, and expressions of regard and esteem for himself.

Mr. Latrobe took charge of Port Phillip with a population of 5,000; he left it with 300,000 inhabitants. But to two-thirds of them he was practically unknown, and the new-comers, who clamoured for social and political liberties which he was powerless to give them, mostly took their opinion of him from the *Argus*, which posed as the people's friend and advocate. He passed quietly and sadly out of the busy annals of Victoria into an honourable retirement, and died in London in 1875.

For six or seven weeks Mr. Foster, the Colonial Secretary, held the reins of government, until the arrival of Sir Charles Hotham, K.C.B., on the 21st of June. His advent was hailed with boisterous delight as the harbinger of that cruelly delayed New Constitution which was to cure all grievances. True, he would have to administer

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affairs on the same basis as Mr. Latrobe had done until that Constitution had been formally proclaimed, but it was assumed that he would be influenced by its principles, and might give anticipatory effect to some of the most liberal aims. It was determined to give him a reception in conformity with these great expectations. In the absence of telegraphic communication, even with Port Phillip Heads, the unexpectedly early arrival of the *Queen of the South* in Hobson's Bay took the citizens by surprise. A party of officials, headed by the Mayor, boarded the steamer and asked His Excellency to delay his landing until next morning, in order that the jubilant arrangement might be duly announced to the people. On the following day when he stepped upon the newly erected pier at Sandridge he found his path embowered with greenery, radiant with flags of all nations and lined with an imposing display of military, flanked by a cheering multitude of spectators. With salvoes of artillery and the plaudits of the crowd he was escorted to Prince's Bridge, where he received the welcome of the corporation under a triumphal arch bearing the inscription "Victoria welcomes Victoria's choice," and to the Government offices, where he was officially installed and took the oaths of office as Governor of the colony.

A week later he held his first levee, on the third anniversary of separation. It was thronged with representatives from all parts of the colony, and the welcome appeared most cordial. A few weeks were passed in efforts to master some of the pressing questions of finance already alluded to, and then he set out on a country tour. He was fêted and banqueted at Geelong, Ballaarat, Maryborough, Castlemaine and Bendigo, meeting everywhere with a tumultuously enthusiastic reception. At some places the horses were taken from his carriage, and replaced by a score or so of stalwart diggers. Elated by the display of such hilarious rejoicings, he was inexperienced enough to receive them as demonstrations of personal regard. His isolated life on the quarter-deck had left him ignorant of the fickleness of popular ovations, and he failed to see that the animating spirit was a lively sense of favours to come. The natural reticence of a somewhat cold and haughty disposition was conquered by the apparent warmth of feeling displayed, and

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he responded in language that, to say the least, was injudicious. His speeches at these banquets were ultra-democratic. He lauded the wisdom of their representatives in framing a Constitution so liberal and comprehensive, that it not only reflected credit on the people who elected them, but exacted admiration from eminent statesmen at home. He believed with his audience that all power sprang from the people; he intended to recognise that principle in his administration, and was satisfied that no Government could be happily conducted without the fullest and freest communication with the people.

Talk of this kind, if couched in the prophetic strain, might have been excusable, but it was utterly foolish and injurious when addressed to masses of men who had not yet got the franchise, who were smarting under a sense of wrong at being unrepresented, and of whom a large number had been for many months flagrantly defying the Government, and simmering in the incipient stages of rebellion. Within a month after his return to town Sir Charles had got back to the quarter-deck disciplinarian. The people no longer filled the whole space. The military and the police had to be invoked to keep them in the place accorded to them by official regulations. The three months of thoughtless cheering that had followed the Governor's arrival lapsed into a period of depression and anxiety, when he found himself thwarted by his Executive, shunned by the well-to-do classes, hated by the miners, lampooned unmercifully by the press, and, save in his own house, literally "found none so poor to do him reverence". How this was brought about the annals of the goldfields will show.

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APPENDIX I.

Owing to the circumstances surrounding its settlement, the original sale of allotments in the City of Melbourne has an attractive interest for Victorian colonists. Lists of the purchasers from the Crown have been preserved in the local archives, and have acquired an importance somewhat akin to that with which the passenger roll of the *Mayflower* is regarded in Massachusetts.

To avoid encumbering the text of Chapter IX. with excess of detail, the results of the two sales in 1837 are here recorded, together with the names and domicile of the purchasers.

The accompanying plan does not take in the whole city, but only the central area, covering all the allotments offered. Each block contains an area of ten acres, subdivided into twenty allotments. A right of way thirty-three feet wide, running from east to west through each block, reduced the size of the allotments slightly below the half-acre. These rights of ways, originally intended as a means of access to the rear of the premises facing the main street, have by pressure of population become important thoroughfares. That known as Little Flinders Street has now some of the finest warehouses in Melbourne on its frontage. It will be seen from the plan that the four corner lots of each block were nearly rectangular and extended only half the depth; the others with sixty-six feet frontage were carried the full depth to the narrow street in the rear.

The numbers of the allotments commenced on each block at the south-west corner proceeding eastward, then returning westward along the northern frontage.

The blocks sold on the 1st of June, 1837, are tinted red—those in November blue.

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DETAILS OF SALE OF THE 1ST OF JUNE, 1837.

Block.	Allotment.	Purchaser.		Price.
2	1	J. P. Fawkner.	Melbourne.	£32
,,	2	,,	,,	25
,,	3	John Moss.	,,	27
,,	4	Arthur Willis.	Sydney.	27
,,	5	Josh. Sutherland.	Melbourne.	25
,,	6	Lachlan McAlister.	Sydney.	26
,,	7	Ml. Connolly.	,,	29
,,	8	John Batman.	Melbourne.	75
,,	9	William Harper.	,,	35
,,	10	J. F. Strachan.	Geelong.	40
,,	11	John Batman.	Melbourne.	60
,,	12	James Smith.	,,	33
,,	13	,,	,,	40
,,	14	David Fisher.	Geelong.	42
,,	15	Skene Craig.	Melbourne.	33
,,	16	Wilson & Eyre.	,,	26
,,	17	,,	,,	31
,,	18	J. H. Wedge.	,,	50
,,	19	Thomas Browne.	,,	41
,,	20	J. H. Wedge.	,,	42
4	1	G. Cooper.	,,	40
,,	2	Michael Carr.	,,	34
,,	3	John Mills.	,,	35
,,	4	Thomas Grove.	,,	29
,,	5	Thomas Field.	,,	32
,,	6	Lach. McAlister.	Sydney.	35
,,	7	,,	,,	35
,,	8	Alex. Thomson.	Geelong.	46
,,	9	L. McAlister.	Sydney.	35
,,	10	George Coulstock.	Melbourne.	31
,,	11	,,	,,	40
,,	12	Joseph Howson.	,,	22
,,	13	Thomas Hood.	,,	20
,,	14	Thomas Napier.	,,	20
,,	15	William Sharp.	,,	21
,,	16	Michael Pender.	,,	19
,,	17	John Batman.	,,	23
,,	18	A. Willis.	Sydney.	42
,,	19	William Ryrie.	Melbourne.	30
,,	20	Ml. Carr.	,,	48
12	1	Jas. Ross.	,,	32
,,	2	Henry Batman.	,,	18
,,	3	Gilbt. Marshall.	,,	18
,,	4	Wm. Synnot.	,,	19
,,	5	G. Scarborough.	,,	18
,,	6	Henry Howey.	,,	20
,,	7	,,	,,	29
,,	8	,,	,,	45
,,	9	,,	,,	46
,,	10	Chas. Swanston.	Hobart Town.	30
,,	11	Barry Cotter.	Melbourne.	30
,,	12	Henry Allan.	,,	22
,,	13	James Hill.	,,	20

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DETAILS OF SALE OF THE 1st OF JUNE, 1837—*continued.*

Block.	Allotment.	Purchaser.		Price.
12	14	Jas. McDonnell.	Melbourne.	£20
„	15	Thos. Walker.	„	19
„	16	J. P. Fawkner.	„	20
„	17	Joseph Moore.	„	20
„	18	John Roach.	„	28
„	19	„	„	28
„	20	John Gardiner.	„	22
13	1	E. W. Umphleby.	„	61
„	2	Thomas Coombs.	„	28
„	3	John Wood.	„	28
„	4	Hugh McLean.	„	30
„	5	J. J. Peers.	„	23
„	6	Rt. Fleming.	„	23
„	7	Thos. Browne.	„	23
„	8	„	„	41
„	9	John Highett.	„	42
„	10	Rt. Hoddle.	„	24
„	11	„	„	30
„	12	John Hughes.	„	21
„	13	Hor. Cooper.	„	20
„	14	Wm. Evans.	„	21
„	15	Dd. Guillam.	„	23
„	16	Jas. Smith.	„	23
„	17	„	„	26
„	18	Thos. Browne.	„	40
„	19	„	„	41
„	20	J. H. Vaughan.	„	46
14	1	Wilson & Eyre.	„	95
„	2	George Smith.	„	46
„	3	G. Robson.	„	43
„	4	Geo. Lilly.	„	42
„	5	C. H. Ebden.	„	41
„	6	„	„	45
„	7	„	„	50
„	8	Forfeited.		
„	9	Jas. Connell.	„	69
„	10	Thomas Davis Weatherly.	„	55
„	11	Geo. Mercer.	„	70
„	12	Henry Smyth.	„	35
„	13	W. Hutton Smyth.	„	36
„	14	J. P. Fawkner.	„	40
„	15	Thos. Walker.	„	39
„	16	„	„	36
„	17	„	„	41
„	18	Chas. Wedge.	„	67
„	19	J. F. Strachan.	„	50
„	20	Geo. Reid.	„	36

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MELBOURNE LOTS, 1st NOVEMBER, 1837.

Block.	Allotment.	Purchaser.		Price.
3	5	F. Rt. D'Arcy.	Melbourne.	£13
,,	6	,,	,,	10
,,	7	Robert Saunders Webb.	,,	7
,,	8	,,	,,	62
,,	9	,,	,,	78
,,	10	John Sutherland.	,,	10
,,	11	John Hodgson.	,,	90
,,	12	Wm. Powell.	,,	17
,,	13	W. F. A. Rucker.	,,	91
,,	14	J. P. Fawkner.	,,	10
5	1	Daniel McArthur.	,,	41
,,	2	J. Sleith Hill.	,,	36
,,	3	A. Lingham.	,,	40
,,	4	J. V. Thompson.	,,	40
,,	5	S. J. Browne.	,,	40
,,	6	W. Roadknight.	Geelong.	41
,,	7	John Hodgson.	Melbourne.	65
,,	8	John Batman.	,,	100
,,	8	Thomas Winter.	,,	73
,,	10	John Batman.	,,	59
,,	11	,,	,,	60
,,	12	John McNall.	,,	44
,,	12	,,	,,	37
,,	14	Mich. Carr.	,,	40
,,	15	John Gunn.	,,	35
,,	16	John Hodgson.	,,	42
,,	17	,,	,,	21
,,	18	W. T. Mollison.	,,	50
,,	19	J. Browne.	,,	40
,,	20	A. Sutherland.	,,	42
19	1	Chs. Hutton.	,,	65
,,	2	,,	,,	50
,,	3	Emile Dubois.	,,	57
,,	4	,,	,,	61
,,	5	S. J. Browne.	,,	62
,,	6	Forfeited.	,,	50
,,	7	Forfeited.	,,	54
,,	8	Thos. Learmonth.	,,	70
,,	9	Jas. Simpson.	,,	40
,,	10	Chas. Scott.	,,	38
,,	11	Chas. Howard.	,,	41
,,	12	Henry Elmes.		
,,	13	Joseph S. Pollock.	,,	38
,,	14	Patk. Cussen.	,,	39
,,	20	Chas. Hutton.	,,	57
20	1	S. J. Browne.	,,	46
,,	2	,,	,,	46
,,	3	John McNall.	,,	36
,,	4	Jas. Douglas.	,,	39
,,	5	John Cronin.	,,	38
,,	6	Geo. Lilly.	,,	40
,,	7	Jos. Solomon.	,,	39

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MELBOURNE LOTS, 1st NOVEMBER, 1837—*continued.*

Block.	Allotment.	Purchaser.		Price.
20	8	John Mills.	Melbourne.	£50
„	9	Geo. Hitchcock.	„	40
„	10	J. D. Weatherly.	„	38
„	11	J. Wilson and J. Shaw.	„	40
„	12	Robt. Robson.	„	38
„	13	John Hyland.	„	30
„	14	Mary Langhorne.	„	36
„	15	Alfred Langhorne.	„	37
„	16	G. Tobin.	„	32
„	17	Jas. Sutherland.	„	37
„	18	Thos. Roadknight.	„	36
„	19	Mary Hill.	„	40
„	20	Joseph Aberline.	„	39
21	2	Jane Stephens.	„	36
„	3	Thomas Watt.	„	36
„	4	J. Batman.	„	36
„	5	„	„	37
„	6	P. Murphy.	„	35
„	7	John Homer.	„	30
„	8	Chas. Swanston.	„	40
„	9	Chas. Driver.	„	36
„	10	James Clow.	„	45
„	11	„	„	45
„	12	„	„	35
„	13	„	„	37
„	14	E. Jas. Newton.	„	35
„	15	Andrew Haig.	„	31
„	16	Francis Nodin.	„	34
„	17	Mich. Carr.	„	33
„	18	Chas. Wentworth.	„	37
„	19	Chas. Driver.	„	35

The average price per Melbourne half-acre at first sale was £35; at the second £42.

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APPENDIX II.

DISCOVERY OF GIPPS LAND.

(See p. 320.)

My attention has been directed to the report of a journey made from Sydney towards Western Port, by way of the Moneroo Downs and the South of the Australian Alps in 1835, by Mr. George M'Killop and party. They crossed the Snowy River three times and passed through a country watered by numerous rivers. Mr. M'Killop ascended a range about thirty or thirty-five miles from the sea, but planned a settlement near Lake Omeo. His discovery was noticed in Sydney and Hobart newspapers at the time, and a brief account of the journey, with a rough sketch map, appeared in the *Journal of Agriculture*, Edinburgh, 1836.

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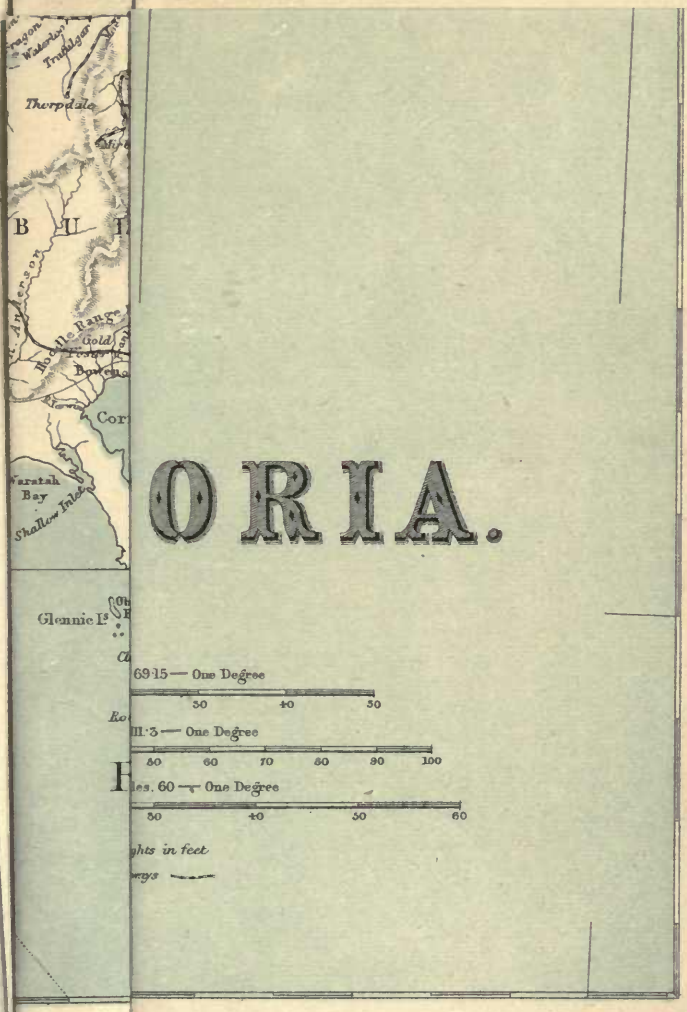

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GENERAL LITERATURE

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